Bp. Mendez, SSPV and Hypocrisy

Introduction



Bp. Mendez's secret consecration of Bp. Kelly in 1993.

In early 1995 the Society of St. Pius V (SSPV) announced that the Rev. Clarence Kelly had been secretly consecrated a bishop on October 19, 1993 by the retired Bishop of Arecibo, Puerto Rico, the Most Rev. Alfred F. Mendez CSC, who had just died on January 28, 1995.

Up to this point, traditional Catholics in the U.S. had heard *nothing* from Fr. Kelly and Fr. William Jenkins about Bp. Mendez — but an awful lot from them about Archbishop P-M. Ngo-dinh-Thuc, the retired Archbishop of Hué, Viet-Nam.

By 1995 Frs. Kelly and Jenkins had conducted a lengthy campaign impugning the validity of the episcopal consecrations Abp. Thuc had conferred on two traditionalist priests (Guérard des Lauriers and Moises Carmona) in 1981. Frs. Kelly and Jenkins portrayed Abp Thuc as a crazy and erratic old geezer with unsavory connections, who for those reasons — lay readers were meant to conclude — could not be trusted to confer episcopal consecration validly.

Fr. Kelly's own consecration by the aged Bp. Mendez, however, cast an entirely different light on his anti-Thuc tirades. Bp. Mendez, it soon emerged, had engaged in a lot of fairly erratic conduct of his *own*, some of it extremely disedifying. In conferring an ordination for SSPV in 1990, moreover, Bp. Mendez had actually mispronounced the essential sacramental form in such a way that the validity of the ordination was doubtful.

Below you will find a list of facts, notes and questions about Bp. Mendez, most of which I circulated in this form in the early 1990s. The picture of Bp. Mendez that

emerges is that of a worldly prelate with some strange ideas, not very devoted to the traditional cause, who behaved very bizarrely more than a *year* before he consecrated Bp. Kelly and whose mental competence was challenged by his own sister just **eight days** before the consecration.

My purpose in raising these points is not to denigrate an old bishop, but to demonstrate that Bp. Kelly and Fr. Jenkins' repeated condemnations of Abp. Thuc's actions are a case of what is these days politely called "cognitive dissonance," and in a more forthright era, was referred to as "hypocrisy."

This should set off alarm bells for the younger clergy and laity in the SSPV orbit who have been indoctrinated into the "Thuc Bad-Dirty/Mendez Good-Pure" mythology, and seen families divided, relationships ruined and sacraments refused.

The facts of the "Mendez affair" should lead this new generation to research the "certitudes" they have been handed by Bp. Kelly, just as we did in the 1980s, and to reject them once they inevitably discover (as we did) that they have no basis in Catholic theology or canon law.

— A.C. September, 2001

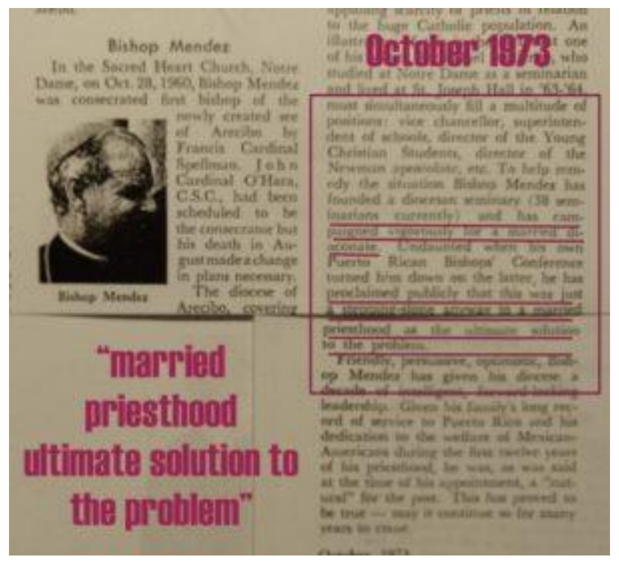
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Who was Bishop Mendez?

- A Holy Cross Father (the order that runs Notre Dame University.) Consecrated bishop 1960 for Arecibo, Puerto Rico.
- Retired early 1974. Lived in Carlsbad CA, near San Diego. Died January 1995, age 87, Cincinnati.

How did he first get involved with Fr. Kelly & SSPV?

- His long-time secretary/housekeeper was Natalie White, writer of anti-*Novus Ordo* articles in 1960s.
- Miss White was a close friend of Fr. William Jenkins' parents, hence the initial connection.
- A number of American traditional priests in Pius X met Mendez in late 1970s. He talked a somewhat conservative line, but never did anything.



October 1973

Bishop Mendez

In the Sacred Heart Church, Notre Dame, on Oct. 28, 1960, Bishop Mendez was consecrated first bishop of the newly created see of Arecibo by Francis Cardinal Spellman. John Cardinal O'Hara, C.S.C., had been scheduled to be the consecrator but his death in August made a change in plans necessary.

The diocese of Arecibo, covering [illegible]

Bishop Mendez

[illegible] to the huge Catholic population. An [illegible] one of his [illegible], who studied at Notre Dame as a seminarian and lived at St. Joseph Hall in '63-'64 must simultaneously fill a multitude of positions: vice chancellor, superintendent of schools, director of the Young Christian Students, director of the Newman apostolate, etc. To help remedy the situation Bishop Mendez has founded a diocesan seminary (38 seminarians currently) and has campaigned vigorously for a married diaconate. Undaunted when his own Puerto Rican Bishops' Conference turned him down on the latter, he has proclaimed publicly that this was just a [illegible] to a married priesthood as the ultimate solution to the problem.

Friendly, persuasive, optimistic, Bishop Mendez has given his diocese a decade of intelligent, forward-looking leadership. Given his family's long record of service to Puerto Rico and his dedication to the welfare of Mexican-Americans during the first twelve years of his priesthood, he was, as was said at the time of his appointment, a "natural" for the post. This has proved to be true — may it continue so for many years to come.

"married priesthood ultimate solution to the problem"

Bp Mendez in '73: "Married priesthood" is the "ultimate solution" to the vocations problem.

When he headed his diocese, was he an anti-Modernist like Abp. Lefebvre?

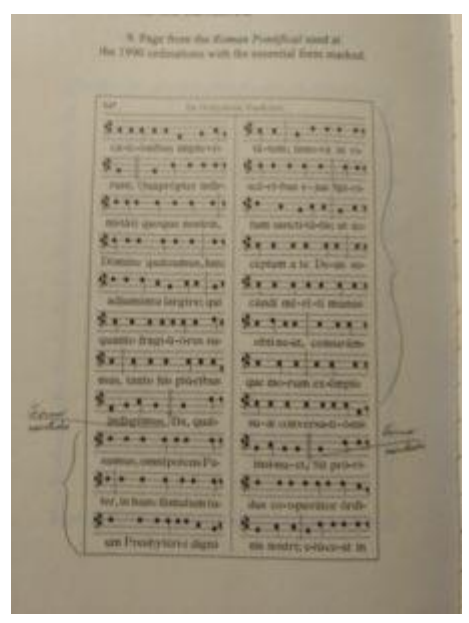
- No. Evident from eulogy in his diocesan newspaper:
- As a priest in 1950s, Mendez promoted pre-Vatican II nuns' lib movement — sending sisters to study at Notre Dame where liberals would corrupt their faith.
- After Vatican II "he supported the initiatives of sisters who were looking for new horizons."
- In 1960, Mendez became first bishop in world to make a Cursillo "retreat." (Cursillo = political-religious movement which originated in Spanish-speaking countries before Vatican II. A leftist/modernist operation which used Communist mind-control/indoctrination techniques on participants: sleep deprivation, exhaustion, emotionalism, public confession of sins, group criticism of individual participants. Also notorious for gross liturgical abuses. Those involved in Cursillo became leaders of modernist program during and after Vatican II.)
- As a new bishop in 1961, Mendez "began the Cursillo movement in Puerto Rico, and he made the Diocese of Arecibo its pioneer."
- Mendez promoted other liberal initiatives which would "laicize" Church and undercut priest's role. From beginning of Vatican II, "he dedicated himself to the restoration of the permanent [married] diaconate," and he "opened horizons and positions for the laity well before Vatican II ended."
- Was member of CELAM, leftist South American bishops' organization.

ongregation of Holy Cross
bserves its centennial year

Mendez concelebrates the Novus Ordo for the 1974 Holy Cross Centennial.

Was Bp. Mendez a traditionalist after he retired?

- Did weekend help-outs & weddings for *Novus Ordo*.
- Raised funds for ultra-Modernist Notre Dame University, celebrated public Masses there.
- In 1981–82, ordained priests at Notre Dame using new rite.
- Said mutilated Paul VI version of traditional Mass (parts missing), but even this only because of influence of his traditionalist housekeeper.
- **Never** took public stand against *Novus Ordo* and Vatican II.
- Is **never once** known to have offered old Mass in public at traditional chapel.
- Promoted compromise initiatives to pull traditional Catholics into *Novus Ordo* church: Indult Masses, special Tridentine Ordinariate under JP2, and Fraternity of St. Peter.
- At same time, also encouraged seminarians to join "conservative" *Novus Ordo* organizations such as Legionnaires of Christ.
- Dressed in coat and tie when traveling & visiting laity.
- In 1985 observed 50th ordination anniversary by being "principal concelebrant" of a *Novus Ordo* at Notre Dame.
- In 1989 sits silently by as Miss White and a visitor argue about the teachings of Fr. Leonard Feeney. Then the bishop informs his somewhat perplexed visitor: "She's a theologian."
- In June 1989, when told by traditional priest that traditionalists should not work with modernists, Mendez replied: "Don't be *against* the new. Just be *for* the traditional."

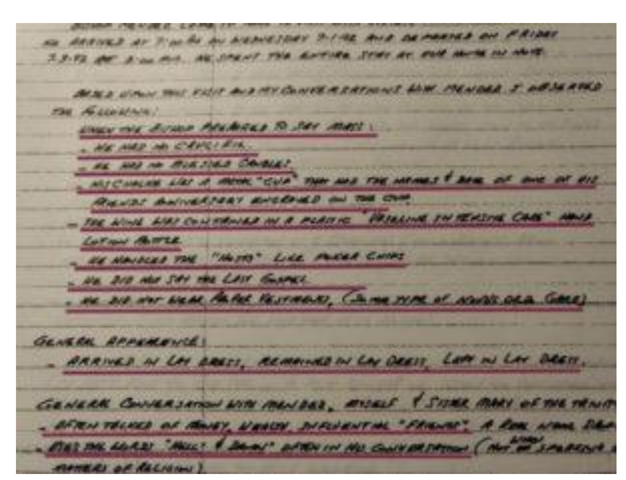


The Pontifical that Bp. Mendez used for the 1990 ordination: The prayer is actually for ordaining just ONE priest instead of two, and Bp. Mendez garbled the form.

Didn't Bp. Mendez show he was a traditionalist by ordaining two priests for SSPV in September 1990?

- Had no wish to be identified publicly as traditional Catholic or even associated with ceremony.
- Arrived, as usual, in lay clothes.

- Performed ordination ceremony in secret.
- Followed *Novus Ordo* rules and did not ordain candidates to subdiaconate before. (Subdiaconate is when seminarians take on celibacy obligation.)
- Refused to wear all the traditional vestments.
- Insisted ceremony not be videotaped: “Get that thing out of here!”
- When he arrived at Preface of Ordination, which contains the essential sacramental form, suddenly began racing through it so quickly that it was incomprehensible.
- Became angry when asked to repeat essential part.
- Then repeated it in way that prompted following exchange: Fr. Kelly: “Did he get it right that time?” Fr. Thomas Zapp: “I **think** so.”
- Ceremony continued on basis of “Think so.”
- Fr. Zapp says he cannot vouch for certain that Mendez finally said essential words properly.
- Bishop’s conduct during ceremony was such that afterwards in sacristy Fr. Kelly shook his head, told Fr. Zapp: “Never again. I’ll never do this again.”
- Mendez used a false name to disassociate himself from ordination: “Bishop Francis Gonzalez.”
- Lied and denied in writing that he performed ordination, calling it “an ugly rumor.” (Letter to Fr. Scott, 17 October 1990)



- He had no crucifix.
- He handled the “Hosts” like poker chips
- He did not say the Last Gospel

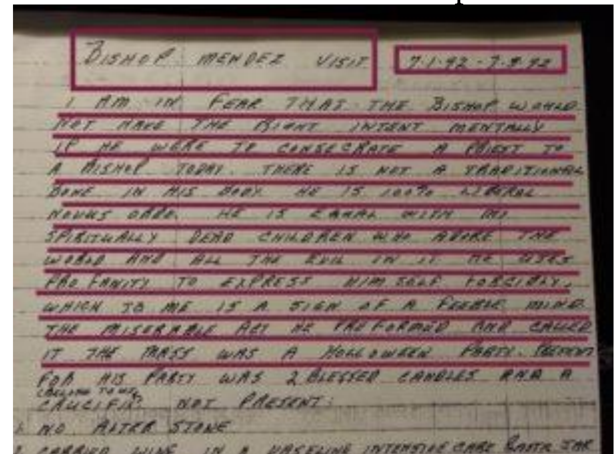
General Appearance:
- Arrived in lay dress, remained in lay dress, left in lay dress.

Description of a Bp. Mendez “Mass” in 1992: No crucifix, no chalice (he used an anniversary trophy cup); no chasuble, cincture, maniple. Just Novus Ordo garb. He handled hosts “like poker chips.”

Didn’t this involvement with SSPV at least influence Bp. Mendez in a more traditional direction after 1990?

- We merely reproduce points from written accounts given by three traditional Catholics who had no ax to grind against the bishop. These accounts relate Mendez’s actions and statements when he came to visit them in Detroit on July 1–3, 1992. Among other things, Bp. Mendez:
- Arrived dressed as layman (blue suit). Hinted he dressed this way because someone wanted to kill him. Dressed in lay clothes during entire visit.
- Said he wouldn’t consecrate a bishop for SSPV, adding: “They should patch up their differences with the Society of St. Pius X, and Williamson can make them their bishop.”
- For saying traditional Mass during visit, Mendez used no altar stone, no crucifix, no altar cloths, no amice, no cincture, no maniple, no stole, no chasuble, no chalice, no chalice veil, no Prayers at Foot of Altar, no Last

Gospel, no linen purificator for Precious Blood (used paper towel). Vested à la *Novus Ordo* in only alb & stole. Used metal wedding souvenir cup for chalice, Vaseline jars for cruets. Handled hosts "like poker chips."

- Said that the vernacular Mass was for the poor, but that the Latin Mass was for the rich.
- Told a nun in traditional garb that her habit should be "more simple," and said he favored short habits.
- Told nun he didn't want her to accompany him to airport lest be identified as a religious, much less a traditionalist.
- Said the Church "has too much doctrine," and that Fr. Sanborn pays too much attention to doctrine, "which is not so important."
- Mentioned how he went on cruises and serves as a chaplain "for all denominations."
- Proudly related how he lobbied bishops at Vatican II to approve married deacons.
- Volunteered to ordain his host a priest if his wife dies.
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BISHOP MENDEZ VISIT | 7-1-92 - 7-[illegible]-92

I AM IN FEAR THAT THE BISHOP WOULD NOT HAVE THE RIGHT INTENT MENTALLY IF HE WERE TO CONSECRATE A PRIEST TO A BISHOP TODAY. THERE IS NOT A TRADITIONAL BONE IN HIS BODY. HE IS 100% LIBERAL NOVUS ORDO. HE IS [illegible] WITH MY SPIRITUALLY DEAD CHILDREN WHO ADORE THE WORLD AND ALL THE EVIL IN IT. HE USES PROFANITY TO EXPRESS HIMSELF FORCIBLY, WHICH TO ME IS A SIGN OF A FEEBLE MIND. THE MISERABLE ACT HE PERFORMED AND CALLED IT THE MASS WAS A HALLOWEEN PARTY. PRESENT FOR HIS PARTY WAS 2 BLESSED CANDLES AND A (BELONGING TO ME) CRUCIFIX. NOT PRESENT:

1. NO ALTAR STONE
2. CARRIED WINE IN A VASELINE INTENSIVE CARE [illegible] JAR

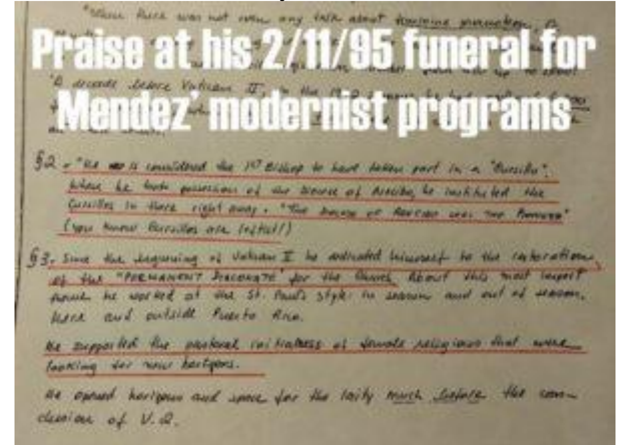
Analysis of an old-time trad who spent three days with Bp. Mendez in 1992: "I fear he would not have the right intent mentally if he were to consecrate a priest to a bishop today … he is 100% liberal Novus Ordo… like my spiritually dead children who adore the world… uses profanity… sign of a feeble mind." This visit occurred 15 months ***before*** *Bp. Mendez consecrated Bp. Kelly in Oct. 1993*

Boasted about worldly Hollywood connections. Mendez himself related following anecdote: he went a Las Vegas dinner dressed (as usual) in coat and tie. A few days later, he ran into actor Tony Curtis who was at the dinner. Seeing the bishop dressed for a change in a clerical collar, Mr. Curtis told him: "*I'm* not the actor, Bishop! *You* are!"

- Sprinkled his conversation with hells and damns.
- Claimed he had a secret organization of priests numbering 300 to 400, and secret seminaries training priests to infiltrate the Vatican II church.
- Stated that Cardinal Ratzinger was really working for him (Mendez).
- Began to weep, and said that if God wanted him to admonish John Paul II, God would have to prove it with a miracle. Mendez thereupon asked a sister present to perform a miracle by lighting a candle miraculously — a request he repeated to her on two other occasions during his visit.
- Written comments in 1992 from horrified host and his wife, both long-time traditional Catholics, and both reliable and sensible people: "Mendez is a

modernist bishop. He is aware of the traditionalists, but is very much in tune with the goings-on in the Novus Ordo Church." "I am in fear that the Bishop would not have the right intent mentally if he were to consecrate a priest [to be] a bishop today. There is not a traditional bone in his body. He is 100% liberal Novus Ordo. He is equal with my spiritually dead children who adore the world and all the evil in it."

There was a controversy surrounding Bp. Mendez's death. What were the details?

- In January 1995, SSPV brought him to Cincinnati to show him a church property they hoped he would buy for them. During stay, bishop took ill, went into hospital, was released, died suddenly on Saturday, January 28, at age of 87.
- Because of their extensive involvement with him, SSPV wanted to bury Mendez as if he were really a traditional Catholic. They hurriedly organized a traditional Requiem for Tuesday, and planned a quick burial at Fr. Kelly's convent in Round Top NY.
- Bishop laid out in SSPV school chapel in Cincinnati. Was first time he is known to have appeared in vestments at a public Mass in traditional Catholic chapel.
- Mendez's family strenuously objected, obtained an injunction against burial and instituted lawsuit (*Laugier vs. Jenkins*, Common Pleas, Hamilton Cy., A95–507, Judge Nay).
- Case heard February 7. Number of interesting points:
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Bp. Mendez: Promotor of the leftist Cursillo movement, married deacons, and nuns' lib.

Mendez's sister testified that Fr. Jenkins and Miss White (bishop's housekeeper, friend of Jenkins family) tried to keep family from seeing bishop.

- Also testified Miss White completely took over bishop's life in later years. "She bossed him. Took care of everything. Disposed of his money. Disposed of everything."
- When Mendez visited relatives in Puerto Rico, every Mass he celebrated for them was in Spanish. His last visit there: April 1993.
- Bishop's family had doubts about Mendez's mental competency for period from October 1, 1993 onwards.

- On December 6, 1994, shortly before bishop's death, he signed new will making Fr. Kelly's group the beneficiary of his $1 million-plus fortune.
- On January 26, only two days before bishop's death, Fr. Kelly typed up a document for bishop to sign, requesting burial at Round Top.
- Judge said bishop's supposed signature "looks like some sort of Japanese hieroglyphics to me." In decision, judge added: "If this were a probate court, I think the Probate Court may have said this was not knowingly, intelligently, voluntarily entered into. Could have been undue influence, could have been completely unappreciative of what he was doing; the word he was doing or anything else. As far as I'm concerned, Exhibit Number A is of no value to this Court."
- Judge gave bishop's family custody of body.
- On February 11, Mendez buried in Arecibo Cathedral with *Novus Ordo*.

When and how did SSPV announce that Bp. Mendez made Fr. Kelly a bishop?

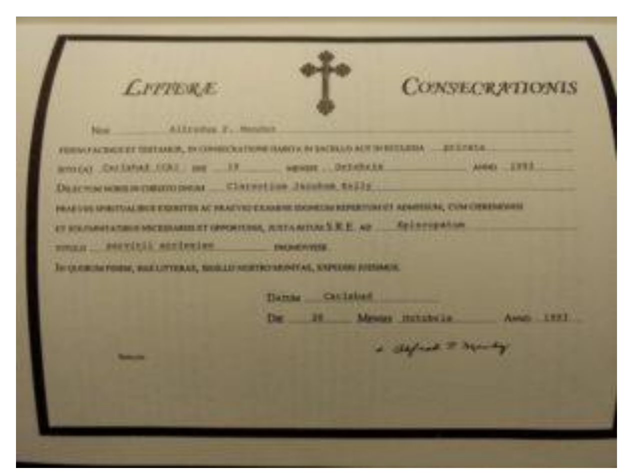
- Announcement first made February 8.
- SSPV priests called special parish meetings at chapels to explain.
- Image of Mendez presented to laity: a traditionalist.
- Supposed proofs: Some correspondence between him and Lefebvre. Stories told of "signs from God" indicating consecration should proceed, angels singing before Mendez's death, and how his episcopal lineage can be traced to St. Pius X.
- Reaction: Some laymen quite uneasy. Suspect Mendez not really traditional, full story not being told.

What information has come out so far about the supposed consecration itself?

- Ceremony held October 19, 1993 at Mendez's house in Carlsbad CA.
- Was a secret ceremony held at altar set up in a bedroom.
- In addition to Mendez and Fr. Kelly, the 5 SSPV priests were present. Apparently no one else.
- Photos taken, but no video.

Why was the consecration performed in secret?

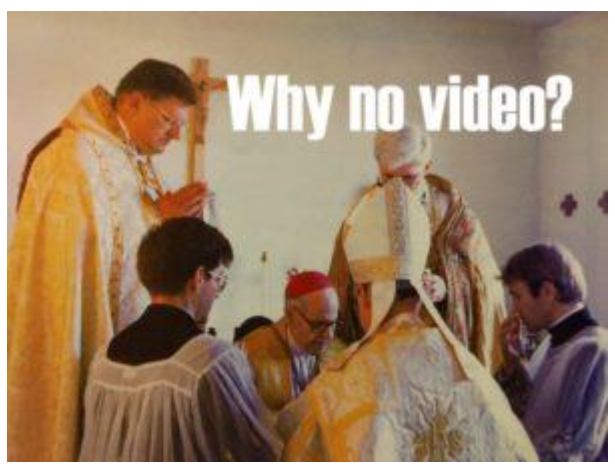
- Mendez wasn't really a traditional Catholic. Still believed in Vatican II church. Wanted to remain in good graces with *Novus Ordo* colleagues. Had he acted publicly, *Novus Ordo* authorities would have declared him excommunicated.
- Also, had consecration been public and announced while Mendez was alive, faithful in SSPV chapels would have wanted to meet the heroic prelate who honored their leader. But had devout lay people encountered at any great length the reality of the *Novus Ordo* Mendez (rather than the image presented after his demise), they would have been horrified.


LITTERAE CONSECRATIONIS

One of FIVE different certificates — but this one is mistakenly cobbled together based on an ordination certificate for a PRIEST. Why didn't Bp. Mendez spot the difference?

Did Bp. Mendez issue a proper certificate?

- SSPV circulated **five** different accounts or documents:
- First, SSPV informed laity that Mendez issued a certificate — but that he signed it "Gonzalez."
- Second, document headed "Si Diligis Me." Mendez states he conferred episcopal consecration, but does not identify who he consecrated, nor where and how.
- Third, 20 October 1993 document titled "Attestation of Episcopal Consecration." Appears to be signed by Mendez, and says he consecrated Fr. Kelly. Also signed by Frs. Jenkins and Skierka who attest that Mendez signed document.
- Fourth, 10 November 1993 document, with slightly different title: "Declaration of Episcopal Consecration." Appears to be signed by Mendez. Text similar, but not identical, to document three. Signature witnessed by housekeeper Miss White, (!) Frs. Jenkins & Baumberger.
- Fifth, 20 October 1993 Latin document apparently signed by Mendez, but neither witnessed nor bearing a visible seal. Text was from a priestly ordination certificate, doctored up for the occasion.
- None of the documents attest (as Fr. Kelly earlier claimed was necessary to accept validity of a "secret" consecration) that "due matter and form" were used, that "qualified witnesses" to the rite were present, etc.
- Successive appearance of five different accounts or documents seems rather fishy, particularly given fuss Fr. Kelly made over documentation of Thuc consecrations. Are some documents "improved" versions, formulated under technicalities of mental reservation? It is fair to wonder.



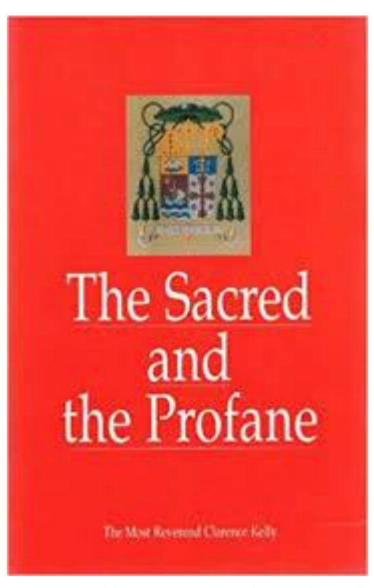
"No time"? Or SSPV priests fear that Bp. Mendez' conduct would horrify trads?

Why was there no video?

- Fr. Jenkins stated that events developed quickly and that there was no time to arrange for one.
- Explanation doesn't seem credible. All you needed was camera and videocassette. A baby could have done it.
- More reasonable to believe that SSPV feared video would demonstrate either that (1) Mendez did not act like a traditional Catholic clergyman, or (2) at time of the consecration there was evidence of mental impairment. (See below.)

Fr. Kelly made many charges against the Thuc consecrations. Couldn't these same charges also be made against his own?

- First objection of Fr. Kelly against Thuc consecrations: charge that they were supposedly always open to question because they were "secret." Also claimed they were performed under "sordid" circumstances which demeaned the sacrament.
- Fr. Kelly's consecration: Performed in secret in a chapel set up in a bedroom.
- Fr. Kelly subsequently claimed main reason for considering Thuc consecrations "dubious" was that Thuc never issued a proper certificate. (Claim was forgotten when Latin certificate written out in Thuc's own hand was produced.)
- Fr. Kelly's consecration: Five different documents, none with identical contents, one signed with a false name, none of them meeting criteria Fr. Kelly claimed were necessary to accept validity.
- Other charges from Fr. Kelly: Thuc had unsavory connections, was supposedly not traditional Catholic.
- Fr. Kelly's consecrator, Bp. Mendez: Connections with Cursillo, Notre Dame, sundry *Novus Ordo* organizations. Public and private celebrations of *Novus Ordo*, said mutilated version of traditional Mass. Big on married deacons, nuns' lib, shortened habits, wearing lay clothes, interdenominational chaplaincy, Hollywood, and being "for the traditional," but not "against the new."



Bp. Kelly's anti-Thuc book: His hypocrisy in the Mendez affair was so obvious that he had to write a 323-page BOOK defending Bp. Mendez.

In Fall 1993, Fr. Kelly began publishing a multi-part article, attacking Abp. Thuc's competency. What of the "mental state" of Bp. Mendez?

- Should be noted, first of all, that Fr. Sanborn published sworn testimony from Thuc's friends and enemies alike, all of whom unanimously attested to Thuc's complete competence.
- Members of Mendez's **own family,** however, testified under oath in court that they believed bishop's competence was questionable after October 1, 1993.
- Court testimony: From Oct. 1–11, 1993 Mendez was in San Diego hospital for stroke, pneumonia, operation. Unconscious for 5 days.
- Mendez's sister visited him in hospital in October 1993. Testified Mendez didn't recognize her for 3 days. After that: "Then he recognized me, and he didn't recognize me. It was so funny. He was mixed up." "Afterwards he went, and then they took him out of the hospital, and they would not let me go near him or anything."
- Consecration took place October 19, 1993, only **8 days** after Mendez released.
- In spring 1994, Fr. Ebey, Provincial of Holy Cross Fathers, visited Mendez in California. He testified: "I found the Bishop to be very confused, I thought it could be Alzheimers. I'm of course, not a doctor and not eligible to make medical opinions, but I do have memories of my family who have suffered from this; and I was worried about it."
- Fr. Ebey also phoned Mendez in November, 1994: "I can tell you he was confused in November of 1994."
- Testimony of Mendez grandnephew: He visited bishop in January 1995. "It was difficult and unsettling to have to continuously remind a person who he was and who his family was; and how he used to visit them... I knew he was in ill physical and mental state, definitely.... I just didn't think he was all there... Well, I would say that even after spending an hour, hour and a half there, he, you know, may have remembered my name after repeating to him enough times."

- No motive for family or Fr. Ebey to lie about Mendez's mental state. They all testified **before** Fr. Kelly's consecration was revealed. Further, grandnephew stated that family had no interest in bishop's will.
- Other strange behavior before this period: In 1992 Mendez visit to traditionalist family in Detroit, odd business about "miracle of the candle," strange statements (assassinations, secret networks, etc.)
- During same visit (at age 85), Mendez asked to be taken to restaurant for cocktails and dancing with his host's wife, whom he just met, and whom he addressed as "Honey" and "Dear." Constantly pointed out beautiful women in airport and during a visit to a mall. Talked about how many good-looking women there were in his visits to Las Vegas. Made a scandalous comment to a girl in a travel agency. Hosts were appalled.
- Strange behavior/obsessions of this type (sexual) sometimes appear in older men losing control of faculties.
- Consider what SSPV's advice to the laity would have been, had even half the foregoing been said of Abp. Thuc.
- Sad but ironic. Accusation Fr. Kelly falsely made against "mental state" of Thuc now boomerangs against Mendez, Fr. Kelly's own supposed consecrator.

So is it "Bishop" Kelly now? What about his future confirmations and priestly ordinations? Should we consider them valid or not?

- As noted in discussion of Thuc consecrations, it doesn't take much to consecrate a bishop validly. One must objectively and fairly apply the same principles to this case.
- But must admit that there is a real problem here: Mendez family members testified there **was** a competence question from Oct. 1, 1993. Consecration took place on Oct. 19.
- May indeed happen now that someone will challenge Mendez will. If after lengthy battle over estate, judge rules Mendez legally incompetent during period, validity of Fr. Kelly's consecration then open to question. Then also his ordinations, confirmations.
- Advisable that potential seminarians and recipients of confirmation defer receiving Orders, Confirmation, until issue of Mendez's competency is resolved.
- [*Note from 2001: Information which later emerged demonstrated that, at the time of Bp. Kelly's consecration, Bp. Mendez was indeed mentally competent to confer a sacrament.]*

Concluding Note

If you are a dyed-in-the-wool SSPV supporter who still doubts the hypocrisy of Bp. Kelly and SSPV on the Thuc vs. Mendez question, I suggest this experiment: re-read the foregoing notes and substitute the name "Thuc" each time "Mendez" appears above.

Then imagine what conclusions Bp. Kelly would tell you to draw about "unsavory associations" and "doubtful sacraments."

"For with the same measure that you shall mete withal it shall be measured to you again… Hypocrite, cast first the beam out of thine own eye, and then shalt thou see clearly to take out the mote from that of thy brother."

Addendum

Bishop Mendez and "Bishop Lili"

Miami priests accused of '80s, '90s abuse

MIAMI, March 16 (UPI) -- Sex abuse allegations against two south Florida Roman Catholic priests went unreported to the parishes they served in the 1990s, the alleged victim said.

The accuser, who was awarded an undisclosed settlement from the Archdiocese of Miami, said he was abused by the Rev. Rafael Escala at St. Timothy Catholic Church in West Kendall, Fla., in the 1980s. The accuser said after Escala molested him, the priest threatened to tell his father about the theft, The Miami Herald reported Saturday.

Nothing rots like a "Lili"…

I COMPILED the foregoing fact sheet about Bp. Mendez in 1995 only because Bp. Clarence Kelly and Fr. William Jenkins had long engaged in a campaign to unfairly vilify Abp. P.M. Ngo-dinh-Thuc. This they employed as grounds for dividing families in my parishes and for publicly refusing members sacraments — based on nothing more than guilt by association (via yours truly) with things Abp. Thuc had (supposedly) done in the 1970s or 1980s.

Once SSPV revealed in January 1995 that it was Bp. Mendez who had consecrated Fr. Kelly, the hypocrisy of the Kelly-Jenkins campaign against the exiled and impoverished Vietnamese archbishop became obvious. Demonstrating that Bp. Kelly and Fr. Jenkins' principles were false became merely a matter of showing that they *themselves* did not follow them.

Since the Kelly-Jenkins strictures against innocent laymen *still* continue nearly 30 years later, it will be useful to point out additional instances of SSPV's hypocrisy over the Mendez affair as they come to light. Hence this "Addendum."

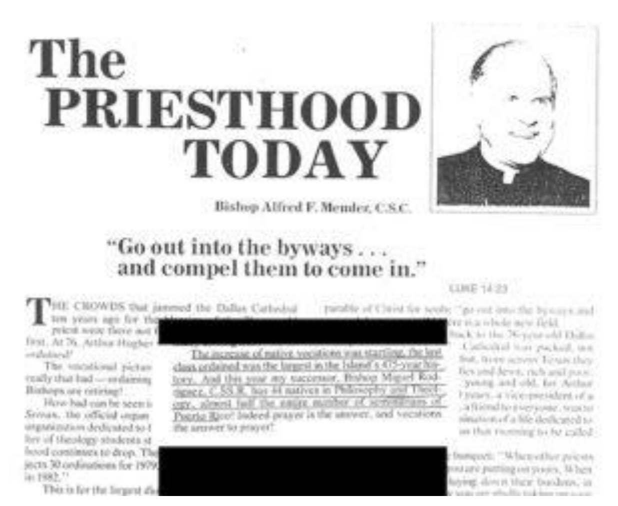
One tale Bp. Kelly and Fr. Jenkins endlessly circulate against Abp. Thuc is that he ordained and consecrated Jean Laborie, a man with schismatic connections who was trying to work his way into the traditional movement in 1977, and who was allegedly a "known homosexual."

Bp. Kelly employs the latter phrase at least seven times in his book *The Sacred and the Profane*, where he solemnly warns us: "Let us not forget that Archbishop Thuc fell so far as to consecrate a known homosexual…"

Repeating the story is meant to impugn the archbishop's judgment and to reinforce the Thuc-was-tainted/Mendez-was-pure narrative. SSPV true believers can hold their heads high, and proudly proclaim, "No siree, *our* bishops are not tainted by connections to a bishop who consecrated a 'known homosexual'!"

But not anymore, it seems, thanks to the 2018 media coverage of the clerical sex abuse crisis.

For the supposedly "pure" Bp. Alfred E. Mendez *himself* committed the same "sin" as the tainted Abp. Thuc, when in March 1974, he "consecrated" the Most Rev. Miguel Rodriguez as his hand-picked successor to episcopal see of Arecibo, Puerto Rico,



The PRIESTHOOD TODAY

Bishop Alfred F. Mendez, C.S.C.

"Go out into the byways . . . and compel them to come in."

LUKE 14:23

[redacted]

[redacted]

Bp. Mendez praises his successor's "vocation program."

Let us first hear Bp. Mendez lavish praise on Bp. Rodriguez in an article entitled "The Priesthood Today."

"The last class ordained was the largest in the Island's 475-year history. And this year [1979] my successor, Bishop Miguel Rodriguez, CSSR has 44 natives in Philosophy and theology, almost half the entire number of seminarians of Puerto Rico. Indeed, prayer is the answer, and vocations the answer to prayer!" (*The Jesuit*, Summer 1979)

An investigation tracing the long history of clerical sexual abuse in the Archdiocese of Miami, however, reveals *another* facet to the vocations promotion program that Bp. Mendez' successor had so enthusiastically undertaken:

"Two unrelated sources, both priests, speak of a flamboyantly gay bishop in Arecibo, Puerto Rico, named Miguel Rodriguez Rodriguez, who was known to his pupils as 'Lili.' These sources claim that during the 1970s and 80's, Lili treated Arecibo like his own personal harem, urging cute young men into the priesthood and plying them with gifts and money in exchange for sexual favors. Rome allegedly interceded in 1990 and banished Lili to a secluded monastery, where he remained until his death 20 years later. Several of Lili's erstwhile pupils landed in Miami in the 80's and 90's. Naturally, they were disinclined to take their celibacy oaths too seriously." (Brandon Thorp, "The Catholic Church's Secret Gay Cabal," Gawker, 7/28/11)



Most Rev. Miguel Rodriguez: Bp. Mendez' own "Jean Laborie."

If we were to give these revelations the full Kelly-Jenkins treatment reserved for Abp. Thuc, we would now remove our glasses, slowly shake our heads and solemnly intone in our best *basso profundo* voices: Surely, Bp. Mendez *knew* how depraved Rodriguez was! Shouldn't he have investigated Rodriguez *thoroughly* before consecrating him? Or even publicly *opposed* the consecration? Doesn't this show Bp. Mendez' *complete* lack of judgment in conferring Holy Orders? Or was early-onset Alzheimers' perhaps the *real* reason for Bp. Mendez' unusually early retirement at age 66? Did *this* affect his attitude towards Rodriguez? Can't you see? Bp. Mendez' consecration of the "known homosexual," Bishop Lili, taints the *all* the ordinations and consecrations that Bp. Kelly performs, even 45-years later! Who would want to be associated with *that*?

You get the drift.

But since we *are* Christians, we're not supposed to keep on throwing stones at someone over his past sins — still less, impose the darkest and vilest interpretation imaginable for a person's actions where a more charitable and likely explanation is possible.

So, in the case of Bp. Mendez with Bishop Lili, as in the case of Bp. Thuc with Jean Laborie, it is likely that both prelates had been deceived somehow about the character of the persons they were consecrating. (Abp. Thuc, in fact, said as much later.) It is difficult to imagine that a Catholic bishop of the pre-Vatican II generation would have knowingly and willingly acted otherwise.

But even if both prelates *had* known the real character of those upon whom they laid hands, their episcopal misdeeds would not descend with the orders they conferred, forty years later, to successive generations of clergy — still less, in such a way as to allow Bp. Kelly and Fr. Jenkins to refuse sacraments to Catholics associated with them.

Am I engaging in "moral equivalence" here? Not exactly.

For Abp. Thuc's supposed consecration of a hole-in-corner schismatic — who was never heard from again, by the way, until Bp. Kelly and Fr. Jenkins spread his name everywhere — was imprudent and objectively evil, to be sure.



Not like the rest of men… nor even this publican!

But it was moral small potatoes when compared to Bp. Mendez's consecration of Bishop Lili. Bp. Mendez' successor corrupted a generation of young clergy, and his misdeeds, now nearly forty years later, are part of an ongoing clergy sex abuse scandal that will probably bankrupt the archdiocese of Miami and scandalize Catholics in Florida for generations to come.

Thus the tale of Bp. Mendez and Bp. Lili.

The moral, for Bp. Kelly, Fr. Jenkins and others like them?

Those who, as the Gospel says, "trusted in themselves as just and despised others" may one day well discover that their condemnations of someone else's "sins" have come back upon their own heads.

May their young colleagues in SSPV learn the lesson, even if their elders do not.

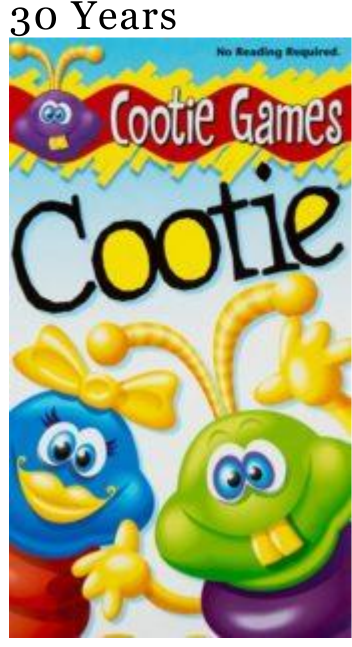
— December 9, 2018

This was written by Rev. Anthony Cekada. Posted on Tuesday, September 11, 2001, at 2:05 pm. Filed under Abp Thuc, Trad Controversies. Tagged Alfred Mendez, Bp. Clarence Kelly, CSPV, Fr. Jenkins, Mendez, Round Top, SSPV, Thuc, WCBO, What Catholics Believe. Bookmark the permalink. Follow comments here with the RSS feed. Comments are closed, but you can leave a trackback.

‹ June 29, 1989 Letter to Fr. Kelly

Quo Primum: Could a Pope Change It? ›

Spiritual Cooties: The SSPV Sacramental Penalties after 30 Years



Purely imaginary!

Coot-ie: *n. informal… US.* a children's term for an imaginary germ or repellent quality transmitted by obnoxious or slovenly people.

JULY 4, 2019 marks the thirtieth anniversary of my departure from the Society of St. Pius V (SSPV).

Most traditional Catholics know that some sort of a conflict occurred many years ago among the priests who had left SSPX in 1983-84 and later formed the Society of St. Pius V (SSPV).

Few trads, however, know what *caused* the SSPV dispute. Fewer still know why the four priests who ultimately remained in SSPV (Frs. Kelly, Jenkins, Mroczka and Skierka), as a matter of policy, still refuse sacraments to lay Catholics affiliated with former SSPV priests such as Bp. Donald Sanborn and myself.

Normally, one would pass over in silence the details of such an ancient controversy. But thirty years on, a new generation of SSPV clergy *still* enforces this draconian penalty on a new generation of young traditional Catholics, and this naturally ought to raise a number of unsettling questions:

- Why do *you* — a faithful twenty-year-old traditional Catholic from my parish or Bp. Sanborn's, say — have to hide your affiliation if you're traveling and want to receive Communion at an SSPV mission?
- Why, if you're a twenty-year-old former graduate of Fr. Jenkins' school in Cincinnati, does Fr. Jenkins forbid you to receive Communion at Bp. Dolan's parish when it's convenient to do so?
- Why, if you are a parishioner at St. Gertrude the Great, does Fr. Jenkins refuse to allow you to be a godparent for a nephew baptized at his church? (This incident actually occurred in late June, 2019 as I was writing this article.)
- Why, if you're a priest just ordained by newly-consecrated SSPV Bp. James Carroll, are you expected to enforce these penalties or prohibitions on your contemporaries, even though you can't find the "crimes" they punish described in any pre-Vatican II canon law or moral theology book?

These practices, as we shall see, are all applications of what I call the "SSPV Spiritual Cooties Rule."

Like the cootie of children's playground fame, the SSPV cootie is an imaginary creature. You "catch" this cootie infestation by receiving sacraments from a traditional Catholic priest who *himself* caught a cootie earlier — from someone that SSPV declared cootie contaminated. It makes no difference how long in the past the contamination occurred. The rule has no statute of limitations, and the SSPV cootie has a very, very long arm.

When you step back from it even a bit, it is obvious that the Cooties Rule is nothing more than a punishment based on guilt by association. None of us who are old enough to remember the pre-Vatican II Church can ever remember anything like this going on.

Where did the rule come from and why is it still in place? The answer is quite different from what you might at first imagine, and the thirtieth anniversary of my departure from SSPV is the perfect occasion for me to explain.



The Daughters of Mary, Round Top NY. No canonical status and merely private vows.

The Daughters of Mary

In early 1984, a year after our expulsion from the Society of St. Pius X, Fr. Kelly announced he was going to found his own order of nuns, the Daughters of Mary. He promptly purchased a property for it in Round Top, New York, an isolated location

nowhere near our numerous mission Mass centers and a three-hour drive from our Oyster Bay headquarters.

Before proceeding further, we should be clear on the principles in church law that apply to founding an institution like this in the post-Vatican II era.

Lacking ordinary jurisdiction (the hierarchical ruling power that a diocesan bishop would have, for instance), no traditional priest or bishop has the power to establish a legally constituted religious order or religious congregation. A traditional priest or sister can only establish an organization of persons who *imitate the rules* of traditional orders and congregations.

In organizations like this, **the vows that members take have no public canonical status in church law**. Instead, lacking this public status, their vows are called "private" vows, even if a member pronounces them before a thousand people. They have the same status as a vow you or I might make to, say, give up coffee or pizza — and just like a no-pizza vow, a vow in the Daughters of Mary or any organization like it can be dispensed by any confessor for a sufficient reason.

With this in mind, we turn to the circumstances of the founding of the Daughters of Mary. Fr. Kelly gave his priest-colleagues (at that point, Frs. Sanborn, Dolan, Cekada, Jenkins, Collins, Zapp and Skierka) no real choice in the matter whether the convent should be founded or not. From the beginning, Fr. Kelly designed it as a one-man show; he and he alone would decide everything about the institution: its organization, its apostolate and its rules. There was no outside control on what Fr. Kelly would decide — especially from the other priests.

As a former religious myself, I considered this arrangement extremely dangerous. It was the recipe for establishing a closed personality cult, and there were several of those in the traditionalist movement already.

Soon, all the classic signs a cult started to emerge: the hero-worship of the great father-founder, Fr. Kelly's secretiveness, his statement that "The best way to motivate people is through guilt and fear," spiritual advice from outside priests being painted as unreliable, potential members being told they were obliged to join the Daughters of Mary or face losing their souls, portraying departure from the organization as ingratitude to the Sacred Heart, and Fr. Kelly's duplicitous and dissembling statements to fellow priests.

Coupled with this, Fr. Kelly employed another cult-leader tactic. The Great Founder, while strict on measures to induce guilt, fear and absolute group loyalty in his followers, would be surprisingly liberal on other matters such as recreational activities, and he avoided instituting ascetical/disciplinary practices that were a normal part of pre-Vatican II religious life. The purpose was to relieve the inevitable pressure from the cult-building techniques in other aspects of common life.

And finally, there was the product. When I was Pastor of St. Pius V Chapel on Long Island and the Daughters of Mary arrived to teach at our school around 1987, I was not impressed. I found them liberal, lazy, and uncooperative.

I was not alone in my concern. Other priests familiar with the operation of the convent — Frs. Dolan, Collins and Ahern — noticed many of the same problems as well, as may be seen in our June 29, 1989 letter to Fr. Kelly.

The situation came to a head in July 1989. Fr. Kelly summarily purged one of the founding sisters (the blood sister of another priest colleague) who had become disenchanted with the direction the Daughters of Mary was taking. Conflicts like this were common in the founding of many women's religious orders in the U.S; the sisters who departed would usually go off to found another order, perhaps with the help of another priest, and that would be the end of the story.

But since he *was* running a cult, Fr. Kelly insisted that **no** other priest would have the right to take in the former Round Top sister or allow her to continue religious life, and then, as is typical with the leaders of such organizations, threatened lawsuits, public denunciations and general ruin against anyone would cross him.

By this time, Fr. Dolan and I were fed up with Fr. Kelly's threats, duplicity and cult-building tactics — this was the stuff of the Ranjeeshpuram cult and Scientology — so we resigned from SSPV. We wouldn't be the last priests to do so.



Rev. Clarence Kelly, 1991. Revenge was the reason.

The Original Motives for the Penalty

Here we come to the original motives for the penalty that SSPV has been inflicting on the laity for thirty years now.

It started with revenge. Like the Bhagwan Ranjeesh and L. Ron Hubbard, Fr. Kelly began a campaign of scorched earth destruction aimed at opponents of his cult. The former Round Top sister and those who supported her had to be destroyed, discredited or intimidated into silence.

In August 1989, therefore, Fr. Kelly announced it would be a **"mortal sin" for a priest to give Holy Communion to the sister who had left.** Not only that, but St. Gertrude the Great **parishioners who merely received Communion from any priest who did** — i.e. Fr. Dolan and me — **would also then be committing "mortal sin"** by being "in communion with" the "mortal sin" of the sister who had left.

From the perspective of canon law and Catholic moral theology, this declaration was pure fantasy — every bit of it. For starters, the **the law of the Church allows a Catholic to receive a sacrament from even an *excommunicated* priest "for any just cause**" (canon 2261). Moreover:

1. The Daughters of Mary was nothing more than a Fr. Kelly creation, so no traditional Catholic was obliged to recognize its existence or defer to the rulings of its fearless leader "under pain of mortal sin."

2. Any vows in the organization were "private" — the canonical equivalent of a layman's no-pizza vow — and no layman or priest was obliged to treat them otherwise.
3. *Any* confessor can dispense from such vows with a sufficient reason.
4. The sister who blew the whistle on Round Top had just as much canonical "right" to found her own religious order as Fr. Kelly did.
5. In any case, mortal sins (especially invented ones) can't be picked up from others at the communion rail like so many spiritual cooties.

Lay people, of course, wouldn't know that the Kelly-created notion of "contagious mortal sin" — nothing more than guilt by association, in fact — was complete nonsense. But the right combination of emotional appeals and demagoguery could probably get a good number of gullible laymen to believe in — and most importantly, to *fear* — the imaginary spiritual cooties.



Rev. William Jenkins, 1991. Base clerical ambition.

Enter Fr. William Jenkins. Fr. Dolan had invited him to Cincinnati in 1984 to be Principal of the St. Gertrude the Great parish school. For Fr. Jenkins the promulgation of the Kelly Cooties Rule was like catnip. He immediately jumped on the "mortal sin" bandwagon.

His motive was all too obvious. Ever since his arrival in Cincinnati, Fr. Jenkins had resented Fr. Dolan's insistence that all aspects of the school operation be completely integrated into the rich and long-established liturgical life of the parish. Telling laypeople that they would commit *mortal sin* by assisting at Mass at St. Gertrude's would give Fr. Jenkins the righteous-sounding pretext he needed to take full control of the parish school for himself, and to open an independent Mass center in Cincinnati. (He already had quite a nice church of his own in Cleveland.)

Like Fr. Kelly, Fr. Jenkins employed an array of classic cult manipulation techniques: long, rambling sermons and speeches (obviously unprepared) delivered in his trance-inducing *basso profundo* voice; public complaints about his supposed health problems that aimed at winning pity and sympathy; late-night phone calls to check up on the loyalty of supporters; heavy doses of empty bluster and indignation ("Can you *imagine*? Can you *really* imagine?"); not-so-subtle appeals for pats on the head ("I'll leave the school if the people want me to!" "Oh, no, Father, please, *not that*!"), and habitual late starts for Masses and other public activities (because poor Father is just *so* busy or *so* sick).

(Those who have seen Fr. Jenkins in action even recently will recognize that his methods have not changed.)

Fr. Jenkins' local campaign succeeded to the extent that he was soon able to establish a Mass center of his own and eventually, a church in Cincinnati, Immaculate Conception, Norwood.

Thus the original motives of those who created the SSPV Spiritual Cootie Rule: For Fr. Kelly, it was scorched earth revenge against challenges to his cult; for Fr. Jenkins, it was simple and base clerical ambition.

If you think my assessment is severe, it is nothing compared to the pain, the division and the heartbreak that the revenge and ambition of these two men have inflicted on traditional Catholic families for thirty years.



CMRI's Mt. St. Michael, Spokane WA

The CMRI Group

The foregoing brings us to the end of 1989. Not everyone in Cincinnati or its missions bought the original Kelly-Jenkins "mortal sin" accusation. Frs. Kelly and Jenkins then needed to invent *other* mortal sins in hopes of getting people to avoid us.

In December 1989, some laymen from Columbus who had been affiliated with the traditionalist CMRI (or Mount St. Michael) group in Spokane, Washington, approached Fr. Dolan and me, and asked if we would give them sacraments. In the Fr. Kelly universe, to do so was absolutely forbidden — yet another mortal sin, because, Father claimed, those affiliated with CMRI must be considered "Old Catholics" (i.e., descendants of a 19th century schismatic group).

But having seen Father simply make stuff up earlier that year, I decided to research the historical, canonical and moral issues myself. Here, too, I discovered Fr. Kelly was spouting nonsense. There was **no** principle in the Church's canon law, sacramental theology or moral theology that could justify either calling these people "Old Catholics" or refusing them the sacraments. (For a brief explanation see here.) So we treated the CMRI laity like the Catholics they were, who according to canon 853, "**may and must** [*potest et debet*] **be admitted to Holy Communion**."

The Cootie Patrol went crazy: receiving sacraments from traditional Catholic priests who were "in communion with" CMRI? Yet *another* mortal sin for Catholics who frequented our communion rails!

(If you really think this particular cootie is anything more than imaginary, you can watch Fr. Jenkins flounder to defend its existence in a 2002 public debate with me here; references to the documentation from moral theologians and canonists that I cited in the debate and passed out to those attending may be found in my article The Great Excommunicator. The impressive-looking portfolio Fr. Jenkins brought with him, I noted, contained only blank sheets of paper.)



Abp. P. M. Ngô-dinh-Thuc

Abp. Thuc's Consecrations

Anyone who knows a bit about the history of the traditionalist movement usually knows that in the 1980s, I was skeptical about validity of the episcopal consecrations that Abp. Pierre-Martin Ngô-dinh-Thuc conferred in 1981.

But in Catholic sacramental theology, personal doubts must give way to objective principles, and emotional prejudices must give way to verifiable facts interpreted according to those principles, as I explained in the video below.

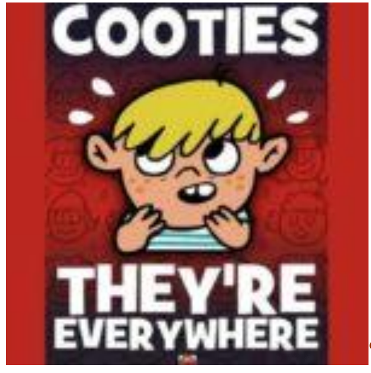
For the sacramental certificate and photos I mention in the video, see here, and for testimony about the archbishop's mental acuity after the 1981 consecrations, see the account here of someone who lived and interacted with him every day.

Some favorite anecdotes on the latter point: Abp. Thuc teaching himself to speak fluent Spanish, Abp. Thuc teaching Latin to the seminarians, and Abp. Thuc instituting the practice of *conducting all conversations in Latin* on one day each week. Remember, this was **after** the 1981 consecrations, for which Fr. Kelly expected us to believe that the archbishop was probably a drooling loony incapable of conferring a sacrament.

By mid-1990, I therefore saw no problem working with properly-trained traditional Catholic clergy who derived their orders from Abp. Thuc.

But for Frs. Kelly and Jenkins, this represented yet another "mortal sin" to add to the list for each layman who approached my communion rail — Fr. Cekada was "in communion with invalid Thuc clergy." So at this point, you were incurring *three* mortal sins per trip.

The cootie count was mounting!



"Scandalous Associations!"

Toward the end of 1990 and the beginning of 1991, it was gradually becoming obvious to my former priest-colleagues in SSPV and to many members of the laity that the Kelly-Jenkins arguments against the *validity* of the Thuc consecrations were worthless.

To head this off, Frs. Kelly and Jenkins tried to summon up yet *another* cootie: Abp. Thuc's "scandalous associations." If the archbishop did something imprudent, wicked or even merely questionable back in the 1970s or '80s, that deed became another spiritual cootie which automatically crawled onto you at the St. Gertrude the Great communion rail in the 1990s (or in 2019, for that matter).

So now the count was *four* mortal sins per trip. You were "in communion with" sacrilegious vows, Old Catholic schismatics, invalid clergy and scandalous deeds. Quite a load! And if one of the few remaining SSPV Fathers spotted the cootie when you went to one of *their* chapels, no communion, no absolution, and no godfathering the nephews or nieces at baptisms for you, buster!



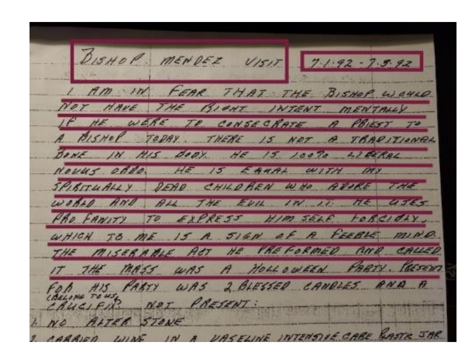
Bp. Mendez's secret consecration of Bp. Kelly in 1993.

Bishop Alfred Mendez

Frs. Kelly and Jenkins' attempt to sell *this* idea — "scandalous deeds" — would turn out to be pure and near-comical hypocrisy. By mid-1990, the Fathers were already in the process of getting their group deeply involved with Bp. Alfred Mendez, a worldly, retired Novus Ordo bishop, who was a teeming hive of scandalous associations himself. Bp. Mendez would secretly ordain two priests for SSPV in September, 1990, and then secretly consecrate Fr. Kelly a bishop in September, 1993.

Just about everything that Frs. Kelly and Jenkins had been denouncing as “scandalous” in Abp. Thuc, their *own* Bp. Mendez was actually guilty of — and much, much worse.

So when Fr. Kelly’s secret consecration was revealed in 1995, I assembled a lengthy list of what Bp. Mendez had been up to. (See here) He had advocated nuns’ liberation, the leftist Cursillo movement, “lay ministry,” ordaining married men permanent deacons, combining all traditionalist groups into one giant entity under John Paul II, and a married priesthood. He celebrated the Novus Ordo publicly; raised money for the near-atheist Notre Dame University and constantly boasted of his many worldly connections (e.g., Hollywood and Las Vegas).



BISHOP MENDEZ VISIT 7·1·92 - 7·3·92

I AM IN FEAR THAT THE BISHOP WOULD NOT HAVE THE RIGHT INTENT MENTALLY IF HE WERE TO CONSECRATE A PRIEST TO A BISHOP TODAY. THERE IS NOT A TRADITIONAL BONE IN HIS BODY. HE IS 100% LIBERAL NOVUS ORDO. HE IS EQUAL WITH MY SPIRITUALLY DEAD CHILDREN WHO ADORE THE WORLD AND ALL THE EVIL IN IT. HE USES PROFANITY TO EXPRESS HIM SELF FORCIBLY, WHICH TO ME IS A SIGN OF A FEEBLE MIND. THE MISERABLE ACT HE PREFORMED AND CALLED IT THE MASS WAS A HOLLOWEEN PARTY. PRESENT FOR HIS PARTY WAS 2 BLESSED CANDLES AND A CRUCIFIX (BELONG TO US). NOT PRESENT:

1. NO ALTER STONE
2. CARRIED WINE IN A VASELINE INTENSIVE CARE PLASTIC JAR

1992: Bp. Mendez visits and scandalizes a lay couple.

In July 1992, a year before he consecrated Fr. Kelly, Bp. Mendez spent three days with an old-time traditionalist couple in the Midwest. Having heard that the prelate was somehow a traditionalist, they were shocked by his odd behavior, and indeed, the liturgical abuses he perpetrated when he celebrated a supposedly “traditional” Mass for them. Bp. Mendez told them that the Church “has too much doctrine,” that doctrine “is not so important,” and that he went on cruises to serve as a chaplain “for all denominations.” His host summed up his impression of Bp. Mendez, then 84, this way.

“I am in fear that the Bishop would not have the right intent mentally if he were to consecrate a priest [to be] a bishop today. There is not a traditional bone in his body. He is 100% liberal Novus Ordo. He is equal with my spiritually dead children who adore the world and all the evil in it.”

My purpose for compiling the depressing list was not to run down an old bishop: the whole Novus Ordo episcopate, after all, hit the skids after Vatican II. It was simply to show people in the SSPV orbit that Frs. Kelly and Jenkins’ principles were false because *they themselves did not follow them.*

But the real clincher for the Mendez affair was this: Whenever Frs. Kelly and Jenkins solemnly recited Abp. Thuc’s “scandalous associations,” the cherry on top was inevitably their accusation that, in the 1970s, the archbishop consecrated to the episcopacy one Jean Laborie, supposedly “a known homosexual.” You were supposed to gasp and shake your head when the phrase was uttered. Fr. Kelly repeated it at least *seven* times in his book length anti-Thuc tirade, *The Sacred and the Profane.*



Most Rev. Miguel Rodriguez: Bp. Mendez's and Bp. Kelly's own "Jean Laborie."

But Bp. Mendez, it turned out, *had done the same thing* in 1967, when he consecrated Miguel Rodriguez to be his hand-picked successor as Bishop of Arecibo, Puerto Rico. Bp. Rodriguez — his nickname was "Lili" — treated the young clergy of his diocese "like a harem," and many of them emigrated to Miami, where they would wind up as major figures in the Novus Ordo sex abuse scandals. His conduct was so outrageous that the Novus Ordo Vatican removed him and sent him to a monastery. (For details, see the end of the article here.)

So if "scandalous associations" are indeed spiritual cooties, Bp. Kelly, Fr. Jenkins and anyone affiliated with SSPV are positively covered with them. A cootie for the goose is a cootie for the gander, right?

But fortunately for poor sinners, as well as goofy bishops, canon law and Catholic moral theology simply don't work that way. When it comes to conferring or receiving sacraments, the good Fathers and their lay followers are really no more "tainted" by *their* old bishop's thirty-year-old mistakes than I am by Abp. Thuc's.

Which is to say, not "tainted" at all. So for Bp. Kelly, Fr. Jenkins and their followers to continue to pretend otherwise is hypocrisy.



On the Cooties Rule, it's curtains for the Wizard…

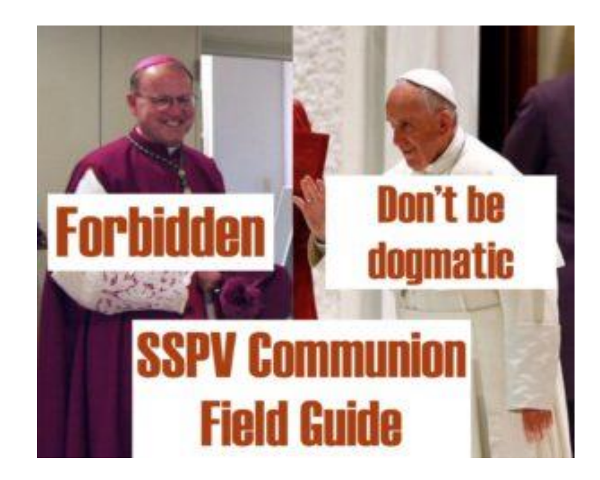
And My Fellow Priests?

At this point in the story, one might ask how the Kelly-Jenkins cooties campaign played with the rest of the priests who remained in SSPV? Initially, some priests bought into or silently tolerated it. But one by one, they started to realize that Fr. Kelly's confidently asserted claims about mortal sin, communion with schismatics, doubtful sacraments and "scandalous associations" had nothing to do with canon law and everything to do with manipulation. When it came to Fr. Kelly's thundering and fulminations, each priest had his own "Wizard of Oz" moment.

Thus, Frs. Sanborn, Collins, Zapp, McMahon and Ahern all eventually voted with their feet against these crazy policies, and followed Fr. Dolan and me out of the Society of St. Pius V. All admitted CMRI laity to Holy Communion and all recognized the validity of the Thuc consecrations. Of the eleven original priest-members of SSPV, this left only Frs. Kelly, Jenkins, Mroczka and Skierka, whose sister was a Round Top nun.

But eventually even Fr. Jenkins would feel Fr. Kelly's wrath over the Round Top nuns. Fr. Jenkins had installed a group of them to teach at the school attached to his rival church, Immaculate Conception in Norwood. Fr. Jenkins got into a tiff with them by insisting they follow *his* policies. The nuns resisted, and Fr. Kelly pulled them out of the school in the middle of the academic year.

And though Fr. Jenkins still firmly adheres to the Spiritual Cooties Rule, it is difficult not to think that Fr. Kelly has put him, too, on more or less permanent punishment for crossing the nuns. Since the 1995 announcement of Bp. Kelly's episcopal consecration, he or his successor, Bp. Santay, have visited Fr. Jenkins' church for confirmations only twice that I've ever heard of — that's twice in *twenty-four* years.



Anyone see a problem here?

In Communion… But With Whom?

The attention that SSPV paid to sniffing out fictional "communion" with these various perceived boogeymen also blinded its clergy and followers to the *one* type of communion that canon law and Catholic moral theology *does* condemn: communion with heretics or schismatics, or actively assisting at Mass where their names are put into the Canon or other liturgical prayers.

(For an explanation of the linguistic, canonical, moral and theological reasons against doing so, see my lengthy study here, and a resumé of it here.)

But for SSPV, as long as you observed the Cooties Prime Directive and *refused communion to St. Gertrude the Great or Most Holy Trinity types,* how you answered questions like the following never really mattered:

- *Is the Holy See vacant?* Nothing more than "matter of opinion." No big deal one way or the other. You can't be "dogmatic" about it.
- *Assisting at Masses where Bergoglio's name is put into the Canon?* No real problem, even though inserting the name is "disgusting," and "I would not do it myself."
- *Attending SSPX Masses, even though they're virtually part of the Conciliar Church?* OK if there seems to be nothing else around.
- *Going to SSPX to receive confirmation from one of their bishops?* No problem. Your choice.
- *An SSPV gal getting married at a traditional Mass in a Novus Ordo parish?* OK if an old Novus Ordo priest performs the ceremony, and it would avoid objections from the guy's conservative, non-traditionalist relatives.

On these issues and others, Frs. Kelly, Jenkins and their followers are still stuck back in the early 1980s. This is because nearly all the sedevacantist authors who produced serious, well-researched studies on the great questions that traditional Catholics face today concerning dogmatic theology, ecclesiology, canon law, sacramental theology, the Vatican II popes, the Novus Ordo sacraments, and the Society of St. Pius X — whether Bp. Donald Sanborn, the Institute of Good Counsel Fathers, the writers on Novus Ordo Watch, the CMRI priests or myself — whatever differences they may have on *other* points, nevertheless reject the principles behind the Cootie Rule as absurd and non-Catholic.



Never changes HIS positions either!

For SSPV to follow the lead these authors have given on *other* issues would necessarily imply that the same authors could be correct in universally rejecting the Cooties Rule, too — and you couldn't have *that*, could you? Better your brain should be like a fly in amber.

And as regards SSPV clergy engaging in serious theological research and writing coherent studies of their own on the big issues, I've never seen any at all. The most you seem to get are droning videos from Fr. Jenkins with no theological meat and plenty of indignation. Their actual content can usually be summed up in two paragraphs.

Moreover, just as a few liberal escape valves relieve cult pressures for those *within* the Daughters of Mary, so too, a few of these for the *laity* (on the pope, SSPX Masses or your children getting married at an Indult Mass) can relieve the pressure that *they* feel because of the Cooties Rule.

Locally in the Cincinnati area, Fr. Jenkins for years studiously avoided educating his parishioners on sedevacantism and the pope question, even dissembling to some that "we are not really sedevacantists." I've seen the effects in young people I've encountered from his parish; some had no idea about what sedevacantism was, or why the pope issue was important for a Catholic. Recently, I've heard about young people who graduated from Fr. Jenkins' school but regularly frequent the local "traditional Mass" sponsored by the Novus Ordo Archdiocese. And why not, if the pope question is not even important enough to talk about?

There is also no doubt in my mind that Frs. Kelly and Jenkins' practical indifference to the pope question is tied to their involvement with Bp. Mendez. The man was up to his eyeballs in the Novus Ordo religion. If you can justify getting yourself consecrated *a bishop* by someone like that and hold him out as a proper Catholic, you can hardly forbid your parishioners to avoid that bishop's Novus Ordo co-religionists.



The SSPV Laity: Singing the Kelly-Jenkins tune — but not necessarily believing the words.

Lay Attitudes towards the Penalties

Over the past thirty years, I've had ample opportunity to form my impressions about the attitudes that lay Catholics in SSPV circles have towards the Cooties Rule.

On one end of the spectrum, many SSPV lay followers may be unaware of its existence, or live in places where it will have no practical effect on them.

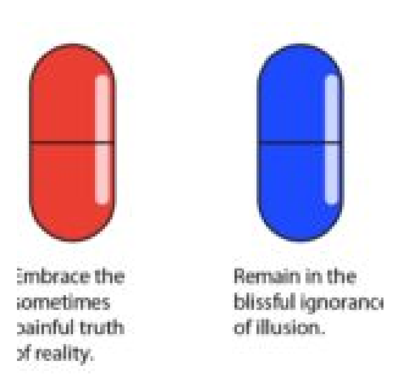
Others know of the rule, but routinely and rightly ignore it as absurd. They may assist at SSPV Masses either regularly or only occasionally, but they have no hesitation to confess to or assist at the Masses of "tainted" clergy like yours truly and his colleagues. But for some lay people like this, I am told, Fr. Jenkins looks the other way and makes what is dryly referred to as a "net worth exception."

On the opposite end of the spectrum is a core of true believers and cult followers. They have been snookered into believing that the imaginary beasts actually exist in

canon law and moral theology; they are quite pleased to tell you how thankful they are that they are “not as the rest of men.” Or they’ve found it convenient to sign on to the exclusionary program because relatives they weren’t particularly fond of anyway wound up on the other side of the dividing line, consigned to the cootie corral.

But there are many souls among the SSPV laity, especially in their 40s and upwards, who occupy a middle ground, and who in their hearts believe the Cooties Rule is nonsense, or even brutal and cruel. They observe it not out of any conviction, but merely out of a certain deference or gratitude to Bp. Kelly, Fr. Jenkins or other SSPV clergy. They have relatives, friends or acquaintances on the other side of the fence, or personally know or admire some or all of the “contaminated” priests; they know that all these people are faithful traditional Catholics, and that there is no rational grounds for imposing or observing the penalty.

But they probably feel that just quietly going along with the Cooties Rule themselves is a bit like humoring an old uncle who’s got one or two really crazy ideas.



For a Catholic, not a difficult choice…

As for Millennials in SSPV circles, they follow the Cooties Rule only because it is a “given” in their social matrix. Mom and Dad, even if they think the rule is nutty, expect you to follow it so you don’t make waves and disappoint the old uncle, who might then take you aside, slowly shake his head, and intone, “You know, [*sniff*] I’m so, *so* disappointed in you…” Aaaww…

But a principle of action for an intelligent young traditional Catholic’s religious practice these days must be based on more than social pressure, avuncular pity trips, and a rationale founded on contagious guilt by association with fifty-year-old “scandals.”

So, interaction with traditional Catholic peers who would be denied sacraments under the Cootie Rule will inevitably cause SSPV Millennials to question it, and the widespread availability of information on the Internet will lead many of them to abandon it entirely.

For once you understand what actually *motivated* the Cootie Rule in 1989 — the all-too-human faults of revenge and ambition — and that it contradicts the fundamental principles of Catholic moral theology and canon law that we

traditional Catholic profess to defend, you will ignore it yourself, and refuse to pass such a cruel, divisive and unnecessary burden to the next generation.



CSPV with new Bishop James Carroll. Will they abandon the Kelly-Jenkins rule to follow Catholic theology and law?

The Future of the Cooties Rule

After thirty years, a new dynamic is at work in SSPV circles. The original organization is now merely a shell: only four of the original priest-members remain, joined later by two priests that Bp. Mendez ordained for it in 1990. SSPV will eventually be replaced by the CSPV — the Congregation of St. Pius V — an organization that Bp. Kelly founded after his consecration that would be subject solely to *him*.

SSPV and CSPV will no doubt keep the Spiritual Cooties Rule firmly in place until both Bp. Kelly and Fr. Jenkins are dead. Neither man would tolerate abolishing it. So, out of deference, organizational loyalty and a general desire not to rock the boat, none of the younger clergy in the Kelly-Jenkins orbit, I think, would dare to suggest a change, even though some of them by now may have come to question the policy.

On the basis of a conversation with Fr. Kelly more that thirty years ago, however, I suspect he might have anticipated such a possibility by now and tried to prevent it. One day, he told me that if he ever founded a religious congregation for men, he would look for a way to enforce obedience explicitly under pain of mortal sin, either by a vow or by an oath. More vintage Kelly "guilt and fear," of course.

In the matter at hand, what better way to perpetuate the sacred Spiritual Cooties Rule than to tell gullible young men they must take a vow or swear an oath to enforce it, and that they will then be forever bound to do "under pain of mortal sin"?

But in fact, this would merely be more empty, Wizard-like thunder and fulmination. A supposedly mortal sin-producing vow or oath like this would be invalid and not morally binding for a whole host of reasons. One is that **the object of such a vow or oath** — the refusal of the Eucharist to someone who had a right to it under both canon law and divine law — **is evil**. A vow or oath directed to this evil end **would have no power to bind** from its inception.

And in any case, no traditional Catholic priest or bishop has the right to bind someone to obedience under pain of sin as Fr. Kelly wished to do — neither priest nor nun nor member of the laity. Power like that belongs only to duly constituted ecclesiastical authority.

Nor could whatever *other* vows one takes in CSPV be bootstrapped into achieving this purpose. The object of such a command would be evil, and a priest would be obliged to disobey such a command. And in the long run, moreover, vows in CSPV have the exactly same status as we outlined above for the Daughters of Mary: they are mere private vows which, like a vow to give up pizza, can be dispensed by any confessor for a sufficient reason.

Despite initial obstacles, however, I am confident that the Cooties Rule will be dropped one day. The process may begin in much the same way that I came to change my assessments of the Mount St. Michael group and the Thuc consecrations.

Some young cleric in the CSPV may come to suspect that the certitudes Bp. Kelly has firmly declared to be founded on Catholic moral theology and canon law may not really be *all* that certain. Or he may be initially convinced that Bp. Kelly's position is correct, and want to refute the arguments of, say, the infamous and thoroughly wicked Fr. Anthony Cekada.



The theology and canon law section: fatal to the Cooties Rule.

In either case, if the young man's Latin is good, he may decide to compare Bp. Kelly's claims or my own with the teachings of pre-Vatican II theologians and canonists. And then, in some seminary or university library, he will eventually discover, just as I did in the 1980s, that the grand principles Clarence Kelly enunciated to accuse people of mortal sin, declare episcopal consecrations doubtful and refuse thousands and thousands of Catholics the sacraments were nothing more than his own inventions, and had no foundation whatsoever in Catholic moral theology or canon law.

Something like this, believe me, will happen one day, simply because the whole, great edifice of Catholic theology and canon law will always be there, along with the tools to understand it, for those priests who are truly determined to do so.

Having discovered the truth, the young man and his fellow clerics will then face a choice: continue to recycle theological myths invented by a "venerated founder" (as

SSPX does), or discard what they now know is false, and conform their practice to the dictates of canon law and Catholic moral theology.

For Catholic priests who profess fidelity to the traditions, teachings and laws of the true Church — on this question or any other — it must always be the latter.

If for the good of souls this means a public climbdown by CSPV one day from some Fr. Kelly-generated myth, well so be it. There are a lot of priests who will have proceeded them — Bp. Donald Sanborn, Bp. Daniel Dolan, Fr. Anthony Cekada, Fr. Joseph Collins, Fr. Eugene Berry, Fr. Thomas Zapp, Fr. Denis McMahon and Fr. Daniel Ahern.

For many of us, eschewing the Cooties Rule and other Fr. Kelly myths has allowed us to assist or cooperate with a whole network of sedevacantist clergy throughout the world — America, Canada, Mexico, Brazil, Argentina, England, France, Belgium, Italy, Germany, Austria, Hungary, Poland, Ukraine, Australia and Nigeria — as should be evident from the article here and the photo montage in the video here.

There is no shame in a priest or a professedly Catholic organization undertaking a change of course if it is dictated for serious reasons, whether based on the needs of the Church or even (and especially) the principles of Catholic theology or canon law. This is seen in the history of many pre-Vatican II religious orders, and indeed, even in the history of the CMRI, which was the object of so much of Fr. Kelly's wrath.

So I, and many others, clerical and lay, hope that a future generation of clergy will have the common sense and the courage to act on what the rest of us have often painfully learned over the years — and that SSPV's thirty-year-old Spiritual Cooties Rule and the sacramental penalties it imposes on faithful Catholics will, at age forty, no longer see the light of day.

This was written by Rev. Anthony Cekada. Posted on Thursday, July 4, 2019, at 5:52 am. Filed under Abp Thuc, Trad Controversies. Tagged Bp. Clarence Kelly, Daughters of Mary, Fr. Jenkins, SSPV. Bookmark the permalink. Follow comments here with the RSS feed. Comments are closed, but you can leave a trackback.

‹ For Neo-Trad Sedevacantists, "Sex Sells"

A Short Musical Setting for the Creed ›

Personal Recollections of Abp. Thuc



Abp. Thuc offering Pontifical High Mass in Munich, 1982, a few months after the consecrations

A priest who lived with the archbishop as a seminarian in 1982–3 offers insights into the prelate's personality and character.

By Rev. Anthony Cekada

IN A PREVIOUS post, I presented a video I had made on the validity of the episcopal consecration conferred by Archbishop Pierre-Martin Ngo-dinh-Thuc in 1981. The video deals mainly with various theological and factual issues I had researched, but in passing, I mention the testimony of Fr. Francis Miller OFM of Lafayette LA as to the piety, the virtue and the mental acuity of the archbishop when Fr. Francis was a seminarian and lived in the same house with him in 1982-3. This, I noted, was another nail in the coffin for the slanderous accusation that the good archbishop did not possess the requisite "mental state" to confer a sacrament validly.

The end of Abp. Thuc's stay in Rochester came more than a year later when he was spirited off to New York City by Novus Ordo Vietnamese priests. He was eventually taken to a Vietnamese community in Carthage MO, where he died in 1984.

Last month, a priest in Europe wrote to Fr. Miller for details of his recollections. Father sent the priest a copy of a lengthy affidavit he had sworn to in late 2005 for a book on the Thuc consecrations. I have reproduced the text of the affidavit below, followed by some additional comments from Fr. Francis.

I highlighted a few particularly interesting passages. The account of the remark's of the archbishop's doctor about his complete competency are extremely significant. Even more interesting, **Mgr. Thuc taught himself Spanish during his time at Rochester, so he could teach Latin *in Spanish*** to the Mexican seminarians. Moreover, with the arrival of the archbishop, the friars instituted speaking conversational Latin for one day a week:

On that day the Archbishop's voice would ring through the house. Latin was as easy for him as his mother language, Vietnamese. His fluency overwhelmed our untrained ears, and the days offered an opportunity for him to exercise and direct his students in their lessons.

I can assure readers that none of the clergy I know who have attacked Abp. Thuc could pull off either one of these feats. And if you doubt that, you might want to ask one of them!

For those who are truly objective and interested in the facts, Fr. Francis' words should once and for all dispel their unreasonable prejudices against this devout and edifying prelate.

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Affidavit of Francis Miller OFM



Abp. Thuc in Rochester, 1982. Fr. Miller, 3rd from right.

My name is Francis, a solemnly professed religious of the Order of Friars Minor, O.F.M.: Franciscans. My entrance into Religion was August of 1980, in Rochester, New York, at the Shrine of the Immaculate Heart of Mary, 3376 Mt. Read Blvd., Rochester NY 14616. I was ordained to the priesthood in 1985 by Bishop Louis Vezelis. Currently I dwell in Lafayette, LA and serve at the Church of Christ the King, where the traditional Mass, and faith, of the Roman Catholic Church is offered. I write this short testimonial to review my memories of Archbishop Peter

Martin Ngo-dinh-Thuc, and to give a first-hand witness in order that others may know more of His Excellency.

About the middle of October, 1982, it was announced that Archbishop Ngo-dinh-Thuc would join our life in the Friary at Rochester, New York. Preparations were made to receive him, and an escort was sent to smooth the way for his coming. Upon his arrival, His Excellency joined immediately into the rhythm of our religious life and schedule: midnight Office, meditation and community meals. For every Divine Office he joined us in chapel. His Mass was offered where the public might and did attend. On Sundays he would occasionally offer Holy Mass both in Rochester and in Buffalo, New York at Sacred Heart Church. **The year and almost four months that I knew and lived with His Excellency ran much like this.**



Dinner in Louisiana with Bp. Musey, Fr. Vida, Fr. McKenna, Bp. Vezelis.

Other Activities

His Excellency looked after all his personal needs by himself. These included care for needs of daily living such as bathing, dressing, etc. Often he would go into the yard and walk though the grass, sometimes with a seminarian, for fifteen to twenty minutes almost every day. Winter was more difficult as New York weather must be considered. The house staircases within the Friary, two of which he negotiated several times a day, were never a major barrier to him. But for the most part he walked unassisted outside of ice, stairs new to him or without a banister. He used no walker but we encouraged the cane, which he used sometimes. His posture was only a little stooped, his gait short and occasionally studied, especially on the stairs. This may be because he was not both limber and strong. However, his sense of duty gave him determination when he had an end in view with much to do physically. **At Holy Mass he was willing to sing the Mass and did a beautiful job. There was as well as singing the Divine office with the community**. I never knew the Archbishop to drive a car.

His Excellency desired to be useful and help as best he was able. His energy was not that of his youth, but it allowed him to offer himself in several ways. **At that time, the house had seven seminarians in their first year of Latin. He taught them regularly in a classroom setting using Latin and Spanish to speak with them.**

When an occasion arose for His Excellency and Bishop Louis to travel to Mexico I accompanied them as an aide. His Excellency was most insistent on greeting the parents of the seminarians whom he had instructed in Rochester. Small exchanges were made, which were tokens of respect and gratitude for their parental sacrifices for Holy Mother Church, and His Excellency delighted to have greeted these good

families. He was able to speak with them, with his newly learned Spanish, of their sons. Acapulco, Guadalajara and Colima were the locations of these homes and travel between the last of these two cities is no small feat on such highways. This is an example of His Excellency's determination of purpose of meeting with the family in Colima, Mexico.

It was very often the case that I would accompany His Excellency to the doctor's office for his regular visits. He particularly enjoyed these visits, as the good doctor spoke excellent French. It was the doctor's opinion that his health was good, except for some difficulties he had with sweets affecting the good Bishop's blood sugar levels. This was the only concern of the good and respected Doctor. **In all of my conversations the Doctor never was expressed concern for Archbishop's mental condition. He stated, rather, that I need not worry at all, that His Excellency was quite competent. He holds this position to this day. To my knowledge the doctor, though a Catholic, has never regularly attended the Tridentine Mass.**



Offering Mass, Louisiana, 1982.

The Holy Sacrifice of the Mass

Of all the memories of my life, among the sweetest and most edifying were to watch His Excellency offer Holy Mass. **His observance of the rubrics was impeccable. His poise, prayerfulness and attention were keen. He truly prayed the Mass. Many times he required help to rise from a genuflection and for this reason the older cleric friars stood by his side to assist Him.** Many times his example caused me to aspire to offer the Holy Sacrifice of the Mass as well as did the Archbishop. **Anyone who attended His Mass could not miss his keen attention and devotion at the Altar.** Here he was at his finest and edified us all.

Other Memories

On a winter's day we walked to the chapel, a distance perhaps of 100 feet, over pavement. The ground was frozen, and the Archbishop lost his footing. Slipping, he fell upon his back. Immediately fear and shame came upon me for not taking better

care of him for a broken hip could be too much for a man of his age. Rocking to an upright position he began to laugh *Ça ne fait rien de tou. Un peu souffrance pour le purgatoire,* which means “it does not matter at all. A little more suffering for purgatory.” While on the ground, he offered his hands, and we pulled him to his feet. We then went into the chapel for Prime, Holy Mass and meditation. He never complained of the incident.



Consecration of Bp. Guérard, 1981

Another often repeated saying of His Excellency was: *Une petite croix pour le bon Dieu*: A small cross (to offer to) for the good God.

To return for a moment to the Mexican seminarians, it was for their sake that he began to practice and perfect his Spanish. **His mastery of languages permitted him to make quick progress with that language over the months he was in Rochester**.

Among the young seminarians who joined the house that year, two Mexicans drew the Archbishop’s attention in particular. They were quick of mind, cordial and focused. Had he been able to patronize them, they might have enjoyed great favors, if I dare speculate. His encouragement and interest made a difference in their enthusiasm for the studies and work before them.

Among the practices taken up at the Friary with the coming of the Archbishop was the speaking of Latin, exclusively, one day a week. On that day the Archbishop’s voice would ring through the house. Latin was as easy for him as his mother language, Vietnamese. His fluency overwhelmed our untrained ears, and the days offered an opportunity for him to exercise and direct his students in their lessons. The Archbishop enjoyed these days, even though he saw us struggle in our Latin.



Consecration of Bps. Carmora and Zamora, 1981.

Overall Impressions

As a young man, I did not always understand His Excellency's opinions and judgments. His wisdom often surprised and still surprises me even as I've grown older. The western mind must appreciate that he was of the mandarin culture and was certainly not egalitarian. From those who belonged to his household he expected reverence and obedience. He was careful to be charitable and fulfill the duties towards those who had a claim upon him, but, again in charity, he himself would not be a burden or overreach. He trusted others, and that was clearly a habit with him.

His Excellency was attentive to the world around him. He took interest in his students, their progress and their interest. His health was good, except for some the concern about sugar. His sense of humor was good, and he was long suffering. He was proud of his healthful appearance, but not absorbed by such things. He kept the religious schedule exactly, and his prayerful offering of the Holy Mass was a thing to be admired. In short, I never witnessed any loss of the faculties of reason and memory. Even in his interests in the world around him he was lucid. Above all, He loved Our Lord and Holy Mother Church and this was obvious to me and I believe to all who witnessed him in action.

Signed this December 7th and I declare it to be true to the best of my memory.

/s/ Fr. Francis Miller O.F.M.

Witnesses: /s/ Bruce Billeaud /s/ Miles Duthile [followed by attestation Donna M. Thibodeaux, Notary, Id # 23574]

————————————



Abp. Thuc's coat-of-arms

Subsequent Comment from Fr. Miller

This [affidavit] is straight from my files and contains what was used [in the book] I believe.

I would be glad to add a few points that have always weighed heavily and recently been brought to my attention again:

Archbishop Ngo was not one to speak to freely when needled (agitated by others). He generally would go silent and suffer abuse. Knowing him so well taught me to listen and wait for a better disposed moment to approach a subject. He knew what he was up to, clearly. Again, he had his favorites some may fault him for that — but this choice seemed based on the good will of the person, intelligence, and sometime generosity toward himself. He did go out of his way to make himself lovable to the youngest of the Mexican seminarians, 13 years old at that time, and that is generosity on his part. No one who ever was known to attend the Archbishop's Mass ever accused him of not being attentive, devout and exact in his rubrics of the Mass. He is renowned for his beautiful Masses. **Never did I see him defect in the Mass's action,** his only clear weakness being occasional difficulty in genuflecting at the altar, for which reason I stood beside him to steady and lift him throughout the moments of the Mass this might occur. **In fact you will find many praise his rubrics and piety throughout his life.**

With such experience as this if is impossible to concede that he did not know what he was about when conferring sacraments as I never witness reason to doubt the clarity of the mind. As a much older and experienced man that impression only grows stronger.

As His doctor told me over and over again on 3 separate (by over 20 years time) "only someone who never knew Archbishop Ngo would make such an accusation".

Further, I heard in a debate between Bishop Donald Sanborn and Dr. Robert Fastiggi that a claim was made that the good archbishop reconciled before his death. This point I could not concede as:

1. No signed document was ever brought forward, though they show [the archbishop] smiling in a picture, pen in hand suggesting he had done so.
2. Among His last words to me as he was being abused in New York [*City, where the Novus Ordo Vietnamese clergy had taken him — ed.*] during the terrible events that lead to the loss of our shared household, he said: "They want me to sign a reconciliation and renounce all that I have done. [Laughing now, he continued:] Why would I do this? [Then very serious:] This would destroy the work God gave me to do of preserving the sacraments for the future. I cannot do that!"
3. There is no written evidence to my knowledge that that last statement of a change of mind was ever given privately or publicly, only assertions have been offered.
4. I know that he was very lonely, and wanted more companionship which he may have privately thought a change of residence may have brought. It may be that he, as I could tell that his mind was not clear in New York [*City*] due to the severe change of diet and reflected by lack of interest in doing

> anything but sleeping at that time, would have induced him to be silent and wait till a better time to act, to decide how to proceed. A time that never came for him, and he was never permitted [*by the Novus Ordo clergy who had taken him away*] to see me again, nor to see any of his sons in the Faith to my knowledge.

These last statements of mine have never been offered in the public forum, but Restoration Radio has asked for an interview and there would be a place to examine many other points perhaps.

Yours in Christ,

Fr. Francis Miller OFM

February 26, 2014

This was written by Rev. Anthony Cekada. Posted on Saturday, March 8, 2014, at 6:02 pm. Filed under Abp Thuc, Sacraments, Trad Controversies. Bookmark the permalink. Follow comments here with the RSS feed. Comments are closed, but you can leave a trackback.

‹ Abp. Thuc: A Conversation with Fr. Cekada

SSPX, "Resistance" and Sedevacantism: A New Video ›

Abp. Thuc: A Conversation with Fr. Cekada

A video from True Restoration Media and some links



Abp. Thuc consecrating Bp. Guérard, 1981

ANYONE familiar with my writings and the history of the traditionalist movement knows that while I was initially skeptical of the validity of the episcopal consecrations Archbishop Pierre-Martin Ngô-dinh-Thuc conferred on three traditional Catholic priests in 1981, I became firmly convinced of their validity, once I researched the theological and factual issues myself.

The result was **The Validity of the Thuc Consecrations**, which appeared in the priests' magazine *Sacerdotium* in Spring, 1992. Since that time, I produced a few other pieces touching on this matter, including a short article on the claim that Abp. Thuc had incurred automatic excommunication (Pius XII, Excommunication and Traditional Catholic Bishops), and a brief discussion of validity again in the concluding section of The Great Excommunicator, an article dealing with a number of related controversies.

My research and writings on the question, together with those of the then-Father Donald Sanborn, eventually **led eight of the twelve former-SSPX priests who had formed the Society of St. Pius V to accept Abp. Thuc's consecrations as valid.** Since then, an ever-increasing number priests in the traditionalist movement have accepted the consecrations, to such an extent that only a small number of hold-outs among the traditionalist clergy still exists, and this among Bishop Clarence Kelly's SSPV/CSPV

In January 2013, Stephen Heiner of True Restoration Media interviewed me about how I came to my conclusions. I am now happy to present that video here.

In the foregoing video, I mention that in 1989 **Father Kelly's principal objection** to the validity of the Abp. Thuc's consecrations was that **no certificate existed**. About three years later, however, I discovered a certificate which Abp. Thuc wrote out in Latin in his own hand the day after he consecrated Bps. Carmona and Zamora. (See accompanying document) In translation the text reads:

L'Archevêque Pierre Martin NGO-DINH-THUC
22, rue Garibaldi
83000 TOULON (France)
Tél. (94) 03.16.75

Nos, Petrus Martinus Ngô-dinh-Thuc, archiepiscopus titularis Bullae Regiae, notum facimus omnibus: die 17a mensis octobris anni 1981, nos contulisse Domino Moisi Carmona Rivera dignitatem episcopalem ecclesiae catholicae cum omnibus juribus ad hanc dignitatem pertinentibus.
Datum die 18a mensis octobris anni Dni 1981
✠ Petrus Martinus Ngô-dinh-Thuc
Testes oculares erant Domini Doctori Kurt Hiller et Doctori Eberhard Heller
Dr. Kurt Hiller
Dr. E. Heller

"We, Peter Martin Ngô-dinh-Thuc, Titular Archbishop of Bulla Regia, give notice of the following to all: on the 17th day of the month of October, in the year 1981, we conferred the episcopal rank of the Catholic Church on Father Moses Carmona Rivera, with all rights pertaining to said rank. Given on the 18th day of the month of October, in the year of Our Lord 1981. [signature] +**Peter Martin Ngô-dinh-Thuc.** The eyewitnesses were: Doctor Kurt Hiller and Doctor Eberhard Heller. [signature] **Dr. Kurt Hiller.** [signature] **Dr. E. Heller.**"

Once this came to light, Fr. Kelly **denied that the foregoing was a consecration certificate** (not really "authentic," "official," "formal," "public," etc.), and in a series of monthly bulletins in the 1990s, began **began attacking Abp. Thuc's "mental state."**

The argument was so ridiculous (Insufficient "mental state" to confer a sacrament one day, but able to write about it in *Latin* the next?), that my response in 1994 was a satire, written in the same, grim, choppy, Fr. Kelly style, entitled **The Dental State of Abp. Thuc**. (= there was no authentic certificate to *prove* that the prelate's teeth were *not* decayed; tooth decay *could* have interfered with how he pronounced

the essential sacramental form; therefore the consecrations were “doubtful,” etc., etc.)

For those interested in further pursuing such issues (apart from that of tooth decay…), I highly recommend the site ThucBishops.com and Mario Derksen’s January 2011 *Open Letter to Bp. Kelly*. Mr. Derksen presents unassailable evidence and airtight arguments that lead to an inescapable conclusion.

This was written by Rev. Anthony Cekada. Posted on Saturday, March 8, 2014, at 8:27 am. Filed under Abp Thuc, Priesthood, Sacraments, Trad Controversies. Bookmark the permalink. Follow comments here with the RSS feed. Comments are closed, but you can leave a trackback.

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‹ Divorce Bergoglio Style

Personal Recollections of Abp. Thuc ›

SSPX Bishops on Bishops and "Bishops"

Williamson on Dolan, Tissier on "Neo" Bishops, Fellay on Both

by Rev. Anthony Cekada

OVER THE past few weeks, the topic of episcopal consecrations has come up several times. Bergoglio ("Pope Francis") consecrated two bishops using the post-Vatican II rite; Bishop Daniel L. Dolan celebrates the twentieth anniversary of his episcopal consecration in the traditional rite on November 30; and in response to a number of inquiries, one of my earlier posts this month put together links to the several articles I'd written on the post-Vatican II Rite of Episcopal Consecration that Paul VI promulgated in 1968.

Many readers are not aware of the opinions the bishops of the Society of St. Pius X have held on these issues, so I thought I would provide some information here.

1. Bp. Williamson on Bp. Dolan's Consecration

On November 30, 1993, Bishop Mark A. Pivarunas consecrated to the episcopacy Father Daniel L. Dolan a a priest ordained by SSPX founder Abp. Marcel Lefebvre. Bp. Pivarunas's own episcopal orders derived from Abp. Pierre-Martin Ngo-dinh-Thuc, former archbishop of Hué, Vietnam. Since Bp. Dolan had started out in SSPX, there was a considerable amount of interest as to how one was to regard his consecration. Bp. Dolan was a sedevacantist and one of "the Nine" whom Abp. Lefebvre had expelled from the Society in April 1983, so he was not exactly on the organization's most favored list. But apart from that, would he be a validly consecrated bishop or not?

A layman wrote to the Rector of the SSPX seminary in Winona MN, Bishop Richard N. Williamson to inquire, and sent him my 1992 study, The Validity of the Thuc Consecrations. On October 21,1993, about five weeks before the consecration, Bp. Williamson replied as follows:

Saint Thomas Aquinas Seminary
Rural Route 1, Box 97 A-1
Winona, Minnesota 55987

10-21-93

Dear Mr. Padula,

Thank you for this letter, as for the booklet by Fr. Cekada on the Thuc Consecrations which I had seen.

I think that Fr. Cekada's arguments are good such that I agree with him and not with Fr Kelly or Fr. Jenkins as to the VALIDITY of the up-coming consecration.

However, one must distinguish validity from liceity, or lawfulness. A consecration can be valid, but unlawful like eating a stolen apple. The eating is valid. It satisfies my hunger, but if the apple was stolen then the eating is unlawful.

Is the up-coming consecration lawful? Answer if (a) the Cincinnati operation of these priests is lawful and if (b) they need a bishop imperatively, then the consecration would be lawful.

But as to (a), these Cincinnati priests are not ordinary Traditional priests, they were Society of St. Pius X priests who broke with Society of St. Pius X positions to take up harsh and unCatholic positions out of line at any rate with Archbishop Lefebvre's thinking. Yet the future bishop on the flyer advertising his consecration leads one to think there was no such split with the Archbishop. Conclusion: the Cincinnati priests' operation is doubtfully lawful.

As to (b), if their operation is doubtfully lawful, then a consecration is at best doubtfully necessary.

Conclusion: however much it would interest you to attend a consecration, you would best stay away from a doubtfully Catholic occasion.

I hope this answers your question.

Sincerely yours in Christ, +Richard Williamson

Thank you for this letter, as [well as] for the booklet by Fr. Cekada on the Thuc Consecrations, which I had seen.

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Conclusion: however much it would interest you to attend a consecration, you would best stay away from a doubtfully Catholic occasion.

I hope this answers your question.

Sincerely yours in Christ,

+ Richard Williamson

While one of the principles is vintage Williamson for that era and one which His Excellency has since abandoned (outside SSPX one is "doubtfully Catholic"), the main point is clear enough: One should regard Bp. Dolan's consecration as valid.



2. Bp. Tissier on Bishops Ordained in the New Rite

As I pointed out at the beginning of Absolutely Null and Utterly Void, Abp. Lefebvre personally told me in the mid-70s that he regarded the 1968 Rite of Episcopal Consecration as invalid because of a change in its essential sacramental form (=the one necessary phrase in a rite that makes it "work").

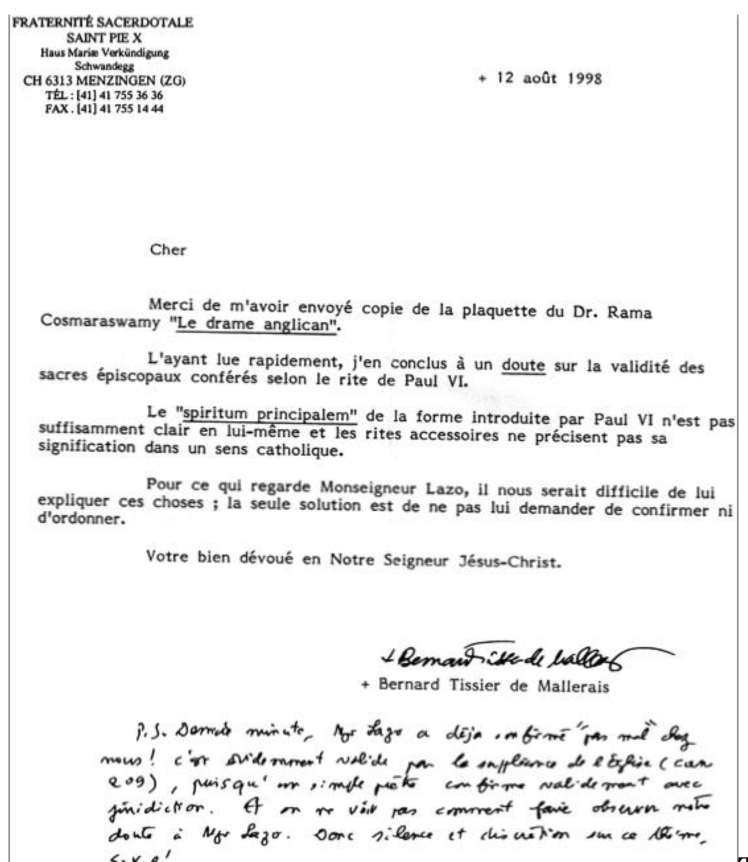
By 1982, however, once Lefebvre undertaken another of his periodic bouts of negotiation with the Vatican, he changed his position, apparently under the impression that Paul VI form was used in the Eastern Rites, and therefore unquestionably valid. (The basis for his impression, it seems, was a "study" by Fr. Franz Schmidberger, who favored reconciling with John Paul II. According to a seminarian who later asked to read the study, it turned out to be nothing more than a single page in a folder!)

Surprisingly, it seems that no one in the traditionalist movement had attempted to analyze the new rite in any great detail until Rama Coomaraswamy published his

own study in the early 1990s. This focused on the phrase *spiritus principalis* in the essential form. What did it mean? Was it sufficient to signify the order of bishop, and thus effect the sacrament? Dr. Coomaraswamy concluded that it was not.

Even though Abp. Lefebvre had changed his position to favor validity and even though a bishop ordained in the new rite, Mgr. Salvador Lazo Lazo, had worked with the Society and confirmed under its auspices, some in the organization were now willing to consider the possibility that the new rite was doubtful or invalid — i.e. that it did not therefore make real bishops.

Someone passed Dr. Coomaraswamy's study along to Bp. Bernard Tissier de Mallerais, who was then residing at SSPX headquarters in Menzingen Switzerland. In a August 12, 1998 letter, the bishop replied:


FRATERNITÉ SACERDOTALE
SAINT PIE X
Haus Mariae Verkündigung
Schwandegg
CH 6313 MENZINGEN (ZG)
TÉL : [41] 41 755 36 36
FAX . [41] 41 755 14 44

+ 12 août 1998

Cher

Merci de m'avoir envoyé copie de la plaquette du Dr. Rama Cosmaraswamy "Le drame anglican".

L'ayant lue rapidement, j'en conclus à un doute sur la validité des sacres épiscopaux conférés selon le rite de Paul VI.

Le "spiritum principalem" de la forme introduite par Paul VI n'est pas suffisamment clair en lui-même et les rites accessoires ne précisent pas sa signification dans un sens catholique.

Pour ce qui regarde Monseigneur Lazo, il nous serait difficile de lui expliquer ces choses ; la seule solution est de ne pas lui demander de confirmer ni d'ordonner.

Votre bien dévoué en Notre Seigneur Jésus-Christ.

+ Bernard Tissier de Mallerais

+ Bernard Tissier de Mallerais

P.S. Dernière minute, Mgr Lazo a déjà confirmé "pas mal" chez nous ! c'est évidemment valide par la suppléance de l'Église (can 209), puisqu'un simple prêtre confirme validement avec juridiction. Et on ne voit pas comment faire observer notre doute à Mgr Lazo. Donc silence et discrétion sur ce thème, s.v.p !

Thank you for sending me a copy of Dr. Rama Coomarawamy's pamphlet "*Le Drame Anglican*."

After reading it quickly, I concluded there was a doubt about the validity of episcopal consecration conferred according to the rite of Paul VI.

The [phrase] "*spiritum principalem*" in the form introduced by Paul VI is not sufficiently clear in itself and the accessory rites do not specify its meaning in a Catholic sense.

As regards Mgr Lazo, it would be difficult for us to explain these things to him; the only solution is not to ask him to confirm or ordain.

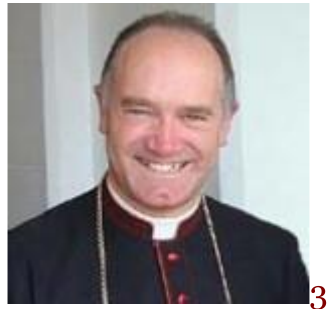
Yours very truly in Our Lord Jesus Christ,

+Bernard Tissier de Mallerais

PS: Another thought: Mgr Lazo has already confirmed "quite a few" [people] with us. Obviously, this is valid because "the Church supplies" (canon 209), because a simple priest can confirm with jurisdiction. And it is difficult to see how to make our doubt known to Mgr Lazo. So silence and discretion about this, please!

Bp. Tissier's letter was finally published in December, 2000, several months after Mgr Lazo's death.

Here, once again, the conclusion is clear: Bp. Tissier believed that the new Rite of Episcopal Consecration was doubtful – which means that in the practical order, one must treat it as invalid.



3. Bp. Fellay on Bp. Dolan and Bishops Ordained in the New Rite

While both Bp. Williamson and Bp. Tissier based their judgements about the validity of the respective episcopal consecrations upon objective theological principles, the same, it appears, could not be said for Bp. Bernard Fellay, Superior General of SSPX since 1994. His main concern seems to have been political: What effect would SSPX's position on either issue (Abp. Thuc's episcopal consecrations or the new rite) have on the organization's dealings with modernists in the Vatican?

SSPX's negotiations with the Vatican for reintegration into the Conciliar Church had broken down in 1988, after Abp. Lefebvre was excommunicated for consecrating four bishops, including Fellay. During the course of an SSPX pilgrimage to Rome in 2000, Bp. Fellay managed to kickstart the negotiation process with the Vatican once again, and it was in with smoothing the way for a deal that the two "bishop-related" issues mentioned above would surface. This was especially so because Joseph Ratzinger, who had been elected by the March 2005 conclave and was very well disposed towards a deal with SSPX, had a personal stake in either issue.

A. Orders Derived from Abp. Thuc. In 1983 Ratzinger, then a cardinal and head of the Congregation for the Doctrine of the Faith, issued a notification excommunicating Abp. Thuc and several bishops he had consecrated in

1981, including Bp. Moises Carmona Rivera, through whom Bp. Dolan derives his episcopal orders. The decree, while avoiding the question of validity (a concept which the modernists detest), said that the Vatican would not recognize those ordained as bishops, and consider them to be in whatever state they were before.

Since the document had been issued by the same Ratzinger with whom Fellay was negotiating in 2005, politics had to trump sacramental theology. Fellay therefore conditionally confirmed children who had earlier been confirmed by Bp. Dolan.

And in this, Fellay even out-Ratzingered Ratzinger, because, as we saw Bp. Tissier point out above, *even a priest* can validly confirm using supplied jurisdiction in certain circumstances — a principle we were all taught in the SSPX seminary at Ecône, and even heard several times from Abp. Lefebvre himself.

When deal-making was not endangered, the SSPX attitude was far more elastic. Fr. Bruno Schaeffer, a priest ordained by Abp. Thuc around the time of the 1981 consecrations, worked with SSPX for several years without ever being required to submit to conditional ordination. Until his recent death, he offered Mass regularly in SSPX's principal church in Paris. He was also a sedevacantist, but here, too, yet another exception was made because, it is said, he inherited great private wealth.

B. Ratzinger Consecrated in the New Rite. The second problem was even more delicate. Ratzinger *himself* had been consecrated a bishop in the new rite. If Ratzinger suspected that Fellay and a substantial number of SSPX clergy and hangers-on didn't even think he was a *bishop*, how could he "reconcile" SSPX?

The issue surfaced nearly at once. In the summer of 2005, a few months after Ratzinger's election, a French traditionalist publisher put out a book-length study of the new Rite of Episcopal Consecration that concluded it was invalid. Its cover carried side-by-side photos of Ratzinger and Fellay.

This got the attention of SSPX higher-ups, just as it surely got the attention of the Vatican. A traditionalist order in the SSPX orbit, the Dominicans of Avrillé, was given the task of pulling Bp. Fellay's fat out of the fire by trying to make a case for the validity of the new rite. They published a lengthy article in Fall, 2005, which appeared shortly thereafter in the U.S.

The article was long, baffling, and left key terms undefined. It never managed to focus on two central questions: (1) What principles does Catholic sacramental theology employ to determine whether a sacramental form is valid, and (2) How do those principles apply to the new Rite of Episcopal Consecration? I waded into the controversy in March 2006 with my first article on the topic, supplemented subsequently with sets of responses to objections (see here) and even interviews on French radio (probably sounding to the French the same way Inspector Clouseau sounds to Americans…)

In any event, the Avrillé article gave Bp. Fellay enough cover to allow the negotiations to proceed for several years, until they were broken off in early 2013. With the election of Bergoglio in March, the prospect of a deal is now dead.

So in the twelve-year pursuit of the deal that never came, all Bp. Fellay accomplished was selling out principles of sacramental theology that his episcopal confreres in SSPX had no problem understanding. One can always hope that a future successor to Bp. Fellay will learn the lesson and have the sense to follow a different course.

+ + +

**Help Send this Priest to Nigeria for Christmas Mass**

His fellow traditional Catholics await him.

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To find out how to help, click here

This was written by Rev. Anthony Cekada. Posted on Thursday, November 28, 2013, at 6:40 am. Filed under Abp Thuc, Epis Cons: '68 Rite, Sacraments, SSPX: Misc, Trad Controversies. Bookmark the permalink. Follow comments here with the RSS feed. Comments are closed, but you can leave a trackback.

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1. **THANKSGIVING READING (AND LISTENING) – TRUE RESTORATION** *on Friday, July 21, 2017 at 4:03 am*

   […] The SSPX and the new rite of Episcopal Consecration Bishop Williamson's opinion on the Thuc line. Bishop Tissier's opinion on the New Rite for Episcopal Consecration. And Bishop Fellay's politicking with the Roman authorities. Fr. Cekada walks us through the issues. […]

2. **50 AÑOS DE ÓRDENES INVÁLIDAS - MAESTROVIEJO** *on Monday, June 18, 2018 at 2:14 am*

[…] el nuevo rito" (ver "El obispo Tissier disputa Validez de Novus" Ordinary Ordinations " y " SSPX Bishops on Bishops and 'Bishops' ").[Vea en el blog, en español Mons. Tissier habla sobre la invalidez de las órdenes […]

3. **MEDIO SIGLO DE ÓRDENES INVÁLIDAS – SAPIENTIAE SEDEI FILII** *on Monday, June 18, 2018 at 3:03 am*

[…] nuevo rito" (ver "El obispo Tissier disputa Validez de Novus" Ordinary Ordinations " y " SSPX Bishops on Bishops and 'Bishops' ").[Vea en el blog, en español Mons. Tissier habla sobre la invalidez de las órdenes […]

‹ Bergoglio's Revolution: Six Key Points

Fellay Serves Up the Chicken Waffles ›

June 29, 1989 Letter to Fr. Kelly

Eight Pond Place
Oyster Bay Cove NY

June 29, 1989

Rev. Clarence Kelly
St. Joseph's Novitiate
Round Top NY

Dear Clarence,

Over the past few weeks, there has been much discussio
several of the priests regarding the Daughters of Mary,
ongoing foundation and their apostolate. Some of us th
it would be good to summarize in writing the concerns
difficulties which came up. While each of us has not
necessarily expressed every concern mentioned below, t
following list provides a compilation of those matters
to be of primary importance. We regret that these poin
so baldly stated, but the pressure of time made a more
delicately-worded presentation impossible:

1. Given the times in which we live, any Catholic organization which lacks some system of checks and bal is in a dangerous situation. The foundation of the Da of Mary, its formation program and its constitutions, however, were undertaken without any outside system of and balances, and one man made all the determinations regarding them. The situation was dangerous and potent scandalous.

2. The priests were given no choice in the matter of accepting this situation.

3. Despite the lack of any choice, priests were expe provide financial and moral support for the congregati they provided it, either directly or indirectly.

4. The sisters have, in the final analysis, been for solely according to one man's understanding of the application of the principles of the religious life.

5. The appointment of an interim government of the t propose will present priests with an accomplished fact will render any outside system of checks and balances impossible to implement. Moreover, the provisions rec enacted for the first stage of interim government appe contradict the constitutions, e.g., the authority to ad sister to perpetual profession.

6. Your proposal to become confessor to the sisters inevitably result in increasing, not decreasing, your influence over the congregation and its members. It wi effectively disengage you from authority and influence

the congregation in the external forum, and at the s
it will necessarily cause you to exercise authority
influence in the internal forum.

7. Your recent decision to propose a sister for pe
vows seems precipitous. Several priests have misgiv
about the sudden amendment of the constitutions to a
this, and lack confidence concerning the long-term s
of the congregation.

8. Some priests believe that you presented the sis
aims and mode of pursuing the apostolate one way whe
congregation was founded, but have departed from tho
in practice; these priests are disappointed with th
so far.

9. Some priests believe that you lay down too many
requirements for establishing convents in the missio
especially considering the missionary times in which

10. Practically speaking, you have the ultimate aut
over changing and interpreting the provisions of the
constitutions.

11. You have heard the confessions of sisters, desp
fact that as Spiritual Father and Founder you enjoy
over them in the external forum.

12. We understand that, in connection with the case
Mary Cabrini, you issued threats against a brother p
We further understand that these threats included: (
instituting a lawsuit against him, (b) driving him o
mission he serves, (c) setting up a rival mission in
area, (d) publicly denouncing him and (e) seeking to
him from the organization. Clearly, such threats ar
unacceptable.

In light of all the above, we request, therefore, th

a. Suspend the program of instituting an inte
government for the Daughters of Mary at th

b. Defer for the time being the anticipated p
profession.

c. Lay the question of the Constitutions, spi
apostolate of the Daughters of Mary before
priests.

We believe that the foregoing requests are neither d
nor unreasonable. The sudden confluence of events i
weeks required that we bring these concerns to the f
without delay.

With assurances of prayers for you and the sist
remain,

Fraternally in Christ,

Anthony Cekada
Joseph F. Collins
Daniel B. Ahern

This was written by Rev. Anthony Cekada. Posted on Thursday, June 29, 1989, at 11:44 am. Filed under Trad Controversies. Tagged Bp. Clarence Kelly, Daughters of Mary, Fr. Jenkins, SSPV. Bookmark the permalink. Follow comments here with the RSS feed. Comments are closed, but you can leave a trackback.

Bp. Mendez, SSPV and Hypocrisy ›

— 1 — Sacramental Intention and Masonic Bishops (2003) by Rev. Anthony Cekada An old canard about Abp. Lefebvre's ordination "People who are not theologians never seem to understand how little intention is wanted for a sacrament… The 'implicit intention of doing what Christ instituted' means so vague and small a thing that one can hardly help having it — unless one deliberately excludes it. At the time when everyone was talking about Anglican orders, numbers of Catholics confused intention with faith. Faith is not wanted. It is heresy to say that it is. (This was the error of St Cyprian and Firmilian against which Pope Stephen I [254–257] protested.) A man may have utterly wrong, heretical and blasphemous views about a sacrament and yet confer or receive it quite validly." — Adrian Fortescue The Greek Fathers IN THE LATE 1970s, as priests of the Society of St. Pius X began to offer Mass in more and more cities, certain controversialists in the U.S. traditionalist movement began to circulate the story that the Society's founder, Archbishop Marcel Lefebvre (1905–1991) had been ordained to both the priesthood and the episcopacy by a Mason, that the Archbishop's own priestly ordination and episcopal consecration were therefore invalid, and that consequently, all SSPX priests were invalidly ordained as well. The alleged Mason in question was Achille Cardinal Liénart (1884–1973), Archbishop of Lille (Abp. Lefebvre's native city), and later one of the leading modernists at the Second Vatican Council (1962–1965). The late Hugo Maria Kellner, the now-defunct publication Veritas, Hutton Gibson and a few others — the "Liénartists," we could call them — argued that, since Masonry despised the Church, its adepts among the clergy would naturally want to destroy the priesthood by withholding the required sacramental intention when conferring Holy Orders. All ordinations conferred by Masonic prelates, they maintained, had to be treated as either invalid or doubtful, including the priestly ordination and — 2 — episcopal consecration that Archbishop Lefebvre received from Cardinal Liénart. Since the "Masonry" story still occasionally resurfaces even thirty years later, I decided to revisit this question. How to begin? The best way is by clarifying the component parts of the Liénartist argument. This can be done by putting it in the form of a formal logical argument called a "syllogism" — a method employed in manuals of dogmatic theology. A syllogism argues from a general statement (for example: All men are mortal), to a particular statement (Socrates is a man) to a conclusion (Therefore, Socrates is mortal). You need to prove both your general statement and your particular statement. Otherwise, you don't prove your conclusion. When we boil down the argument of the Liénartists and put it into this form, here is what we get: 1. General Principle: Whenever a bishop is a Mason, his sacramental intention must be presumed doubtful and all his ordinations therefore presumed doubtful. 2. Particular Fact: Achille Liénart was a bishop who was a Mason. 3. Conclusion: Achille Liénart's sacramental intention must be presumed doubtful and all his ordinations therefore presumed doubtful. The supposed "proof" for point (2) has been more than adequately demolished elsewhere. In his 1982 article entitled "Cracks in the Masonry," Rama Coomaraswamy demonstrated that all the stories about Cardinal Liénart's supposed Masonic affiliation can be traced back to just one work, L'Infaillibilité Pontificale by the Marquis de la Franquerie, a French sensationalist writer. The only source the Marquis gives for the story is an anonymous one — a former Mason identified as "Mister B…." Coomaraswamy's witty and erudite article is posted on traditionalmass.org Here we will turn our attention instead to point (1), the general principle behind the Liénartist argument. I will demonstrate that it is false because it contradicts the fundamental presumptions that canon law, moral theology and dogmatic theology lay down regarding the validity of sacraments in general, and the intention of the minister of Holy Orders in particular. Further, I will demonstrate that it contradicts the practice of the Church in the past, and leads to manifest absurdities. — 3 — 1. General Presumption of Validity. Sacraments conferred by a Catholic minister, including Holy Orders, must be

presumed valid until invalidity is proved. This is: "the queen of presumptions, which holds the act or contract as valid, until invalidity is proved." (F. Wanenmacher, Canonical Evidence in Marriage Cases, [Philadelphia: Dolphin 1935], 408.) "When the fact of ordination is duly established, the validity of the orders conferred is naturally to be presumed." (W. Doheny, Canonical Procedure in Matrimonial Cases [Milwaukee: Bruce 1942] 2:72.) 2. Intention and Holy Orders. When a bishop confers Holy Orders using correct matter and form, he must be presumed to have had a sacramental intention sufficient to confect the sacrament — that is, at least "to have intended to do what the Church does." This is the teaching of Pope Leo XIII in his pronouncement on Anglican orders: "Now, if a person has seriously and duly used the proper matter and form for performing or administering a sacrament, he is by that very fact presumed to have intended to do what the Church does." (Bull Apostolicae Curae, 13 September 1896.) The theologian Leeming says this passage recapitulates the teachings of previous theologians who "all agreed that the outward decorous performance of the rites sets up a presumption that the right intention exists.… The minister of a sacrament is presumed to intend what the rite means… This principle is affirmed as certain theological doctrine, taught by the Church, to deny which would be at least theologically rash." (B. Leeming, Principles of Sacramental Theology [Westminster MD: Newman 1956], 476, 482.) 3. Heresy or Apostasy and Intention. Heresy, or even total apostasy from the faith on the part of the ordaining bishop, does not harm this sufficient intention, because intention is an act of the will. "Error in faith, or even total disbelief, does not harm this intention; for concepts of the intellect have nothing in common with an act of the will." (S. Many, Praelectiones de Sacra Ordinatione [Paris: Letouzey 1905], 586.) 4. When Intention Invalidates. An ordination otherwise correctly performed becomes invalid only if the bishop makes an act of the will not "to do what the Church does" or not "to ordain this person." "An ordination is invalid if the minister… as he confers it on someone, makes an act of the will not to ordain that person, because by that very fact he does not have at least the intention of doing what the Church does — indeed, he has a contrary intention." (P. Gasparri, Tractatus de Sacra Ordinatione [Paris: Delhomme 1893], 1:970.) 5. Invalid Intention Never Presumed. A bishop who confers Holy Orders, however, is never presumed to have such an intention not to ordain, until the contrary is proved. "In performing an ordination the minister is never presumed to have such an intention of not ordaining, as long as the contrary would not be proved. For no one is presumed evil unless he is proven as such, and an act — especially one as solemn as an ordination — must be regarded as valid, as long as invalidity would not be clearly demonstrated." (Gasparri, 1:970.) The general principle proposed by the Liénartists, however — "Whenever a bishop is a Mason, his sacramental intention must be presumed doubtful and all his ordinations therefore presumed doubtful" — directly contradicts the foregoing and sets up the opposite presumption. This theory thus treats an accused "Masonic bishop" as guilty until proven innocent. (His sacraments must be treated "as non-sacraments.") And the burden of proof he must meet to acquit himself is impossible: he must disprove a double negative about an internal act of the will ("prove you did not withhold your intention"). This runs contrary to all the principles of equity in civil and canon law. 6. No Support in Theology. For this reason, the Liénartists can cite no pre-Vatican II canonist, moral theologian or dogmatic theologian who proposes or defends their major premise. Instead, all they offer are the standard quotes about Masonry — it conspires to destroy the Church, is condemned by popes, promotes Naturalism, is a cause for excommunication, etc. This merely proves what no one disputes: Masonry is evil. But since evil men and even unbelievers can confer valid sacraments, it gets no closer to proving the principle that is the basis for their arguments: "Masonic membership = doubtful sacraments." If such a general principle were true, popes, canonists and theologians would have told us.

— 7. No Support in History. The excuse sometimes given for not providing such a citation — "it was not widely known what was going on [regarding Masonic clergy] until the fruits were displayed at Vatican II" — is refuted by the history of the Church in France, where many clergymen were Masons. In France before the Revolution: "One fact is inescapable: the lodges contained a large number of ecclesiastics… At Caudebec fifteen out of eighty members of the lodge were priests; at Sens, twenty-five out of fifty. Canons and parish priests sat in the Venerable Assembly, while the Cistercians of Clairvaux had a Lodge within the very walls of their monastery! Saurine, a future bishop of Strasbourg under Napoleon, was a governing member of the Grand Orient. We cannot be far from the truth in suggesting that towards the year 1789 a quarter of French freemasons were churchmen… [In 1789 there were] seven atheists and three deists out of one hundred and thirtyfive French bishops." (H. Daniel-Rops, The Church in the Eighteenth Century [London: Dent 1960] 63, 73. See also J. McManners, Church and Society in Eighteenth-Century France [Oxford: University Press 1998] 1:354, 356, 420, 509.) The Masonic revolutionaries set up their schismatic Constitutional Church in 1791 with clergy such as these, the most prominent among them being Charles-Maurice de TalleyrandPérigord, the former Bishop of Autun and an advocate of the revolutionary cause. Unlike the case of Cardinal Liénart, it is an established fact that Talleyrand was a Mason — he belonged to the Francs Chevaliers Lodge in Paris. Moreover, he was probably even an unbeliever. On 25 January 1791 Mgr. Talleyrand consecrated the first bishops for the Constitutional Church, and thus all its bishops subsequently derived their consecrations from him. Nevertheless, when Pope Pius VII signed his 1801 Concordat with Napoleon, he appointed thirteen bishops from Talleyrand's hierarchy to head the restored Catholic dioceses. Among them was the above-mentioned Mgr. Jean-Baptiste Saurine, schismatically consecrated "constitutional" bishop of Landes in August 1791. Of all the Masonic lodges in the world, the Grand Orient of Paris in which Saurine was a governing member has always been considered the most powerful and the most anti-Catholic. Despite this, Pope Pius VII appointed Mgr. Saurine Bishop of Strasbourg in 1802, a post that this Masonic bishop retained until his death in 1813. So in France we find Masonic bishops consecrating other Masons bishops, whom the pope then appoints to head Catholic dioceses, where they confirm children, bless holy oils used to — 6 — anoint the dying, ordain priests and consecrate other bishops. If the Liénartists' principle were indeed correct, the pope would have permitted none of this, and would have insisted that all bishops from the Constitutional hierarchy submit to conditional re-consecration. Proof that a cleric was affiliated with Masonry, moreover, is not necessarily proof of atheism or hatred of the Church. Of the many French clergy involved with Masonry, historian Henri Daniel-Rops says: "There is no reason to think all were, or considered themselves to be, bad Catholics. On the contrary, there must have been a great many of them who saw no incompatibility between their faith and their Masonic membership, and who even regarded Freemasonry as a weapon to be employed in the service of religion. One of these, in Savoy, was Joseph de Maistre, orator of his lodge at Chambéry; he dreamed of creating within the bosom of Masonry a secret staff which would have made the movement a papal army at the service of universal theocracy." (Church in the Eighteenth Century, 63.) Even though the adherence of many French clergy to Masonry during the revolutionary era was well known, theologians did not treat their sacraments as "doubtful." If Masonic bishops had truly posed a threat to the validity of the sacraments, one would expect to find theologians, especially among the French, making this argument, or at least debating the issue. But even French theologians and canonists such as Cardinal Billot (De Ecclesiae Sacramentis [Rome: Gregorian 1931] 1:195– 204), S. Many (Prael. de Sacr. Ordinatione 585-91) and R. Naz ("Intention," Dictionnaire de Droit Canonque [Paris: Letouzey 1953] 5:1462), who otherwise discuss at some

length sacramental intention, have nothing at all to say about “doubtful” sacraments from Masons. In his article on Masonry, moreover, Naz’s only comment on clerics who are members is to note that they incur the penalties of suspension and loss of office. (“Francmaçonnerie,” 1:897-9) He says nothing about their membership rendering their sacraments “doubtful.” 8. Absurd Consequences. The absurdity of the Liénartists’ principle is further demonstrated by applying it to (a) the hierarchy of the United States, where it would render doubtful forty episcopal consecrations performed between 1896 and 1944, and to (b) the lower clergy in France, where it would render doubtful all baptisms performed since the 18th century. — 7 — (a) The episcopal consecrations in the United States are those derived from Mariano Cardinal Rampolla del Tindaro (1843– 1913), Pope Leo XII’s Secretary of State. After Rampolla died it is said that among his personal effects was found proof he belonged to a luciferian Masonic sect called the Ordo Templi Orientalis (associated with the Satanist Alistair Crowley) and frequented a Masonic lodge in Einsiedeln, Switzerland, where he took his vacations. Forty American bishops consecrated between 1896 and 1944 derived their consecrations from Rampolla, via either Mgr. Martinelli (the Apostolic Delegate) or Rafael Cardinal Merry del Val, both of whom Rampolla consecrated bishops. (See Jesse W. Lonsway, The Episcopal Lineage of the Hierarchy in the United States: 1790–1948, plate E.) If the Liénartists’ principle were true, all these bishops would have to be considered “doubtful,” because the precise role of assistant bishops at an episcopal consecration as true “coconsecrators” was not clearly defined until 1944. (b) I have shown that Masonry was widespread among French clergy in the late 18th century. If the principle “Masonic affiliation = doubtful sacraments” were indeed true, it would apply to sacraments conferred by priests as well. This would render “doubtful” all baptisms conferred in France since the 18th century. After all, who knows which French priests were “secret Masons” and which were not? * * * * * PLEASE NOTE that, despite the foregoing I do not concede the factual allegation that Cardinal Liénart was indeed a Mason. My aim here is to demonstrate that, had Cardinal Liénart indeed been a Mason, one could not for that reason attack the validity of the sacraments he conferred. The Liénartist argument, then, runs afoul of the fundamental presumptions that canon law, moral theology and dogmatic theology lay down regarding the validity of sacraments in general, and the intention of the minister of Holy Orders in particular. It is contradicted by the practice of the Church in the past, and finally ends up in manifest absurdities. In a word, it is an argument rooted in ignorance. BIBLIOGRAPHY BILLOT, L. De Ecclesiae Sacramentis. Rome: Gregorian 1931. DANIEL-ROPS, H. The Church in the Eighteenth Century. London: Dent 1960. — 8 — DOHENY, W. Canonical Procedure in Matrimonial Cases. Milwaukee: Bruce 1942. GASPARRI, P. Tractatus de Sacra Ordinatione. Paris: Delhomme 1893. LEEMING, B. Principles of Sacramental Theology. Westminster MD: Newman 1956. LEO XIII. Bull Apostolicae Curae, 13 September 1896 LONSWAY, Jesse W. The Episcopal Lineage of the Hierarchy in the United States: 1790–1948. MANY, S. Praelectiones de Sacra Ordinatione. Paris: Letouzey 1905. MCMANNERS, J. Church and Society in Eighteenth-Century France. Oxford: University Press 1998. NAZ, R. “Francmaçonnerie,” Dictionnaire de Droit Canonque. Paris: Letouzey 1953. 1:897-9. ————. “Intention,” op. cit. 5:1462–64. WANENMACHER, F. Canonical Evidence in Marriage Cases. Philadelphia: Dolphin 1935. (Letter, August 2003)

The Validity of the Thuc Consecrations

Rev. Anthony Cekada

During a conversation with Archbishop Marcel Lefebvre in 1980, I hinted about my worries over finding a bishop after his death who would ordain traditional Catholic priests and confirm our children.

The archbishop — at that time he hadn't indicated whether he would one day consecrate bishops — tactfully replied that the question worried *him*, too, and that "Deus providebit" — God will provide. He added, with one of his trademark French chuckles, that each time he had a coughing or sneezing fit in the seminary chapel at Ecône, he could almost hear the 80 seminarians silently change their prayer to just one fervent petition: "God, let him live — at least till he ordains me!"

The amusing anecdote highlights a serious issue: As traditional Catholics, the sacraments are the center of our spiritual life and the key to our salvation. We know that if we want to hear Mass, receive Holy Communion, have our sins absolved and be fortified by the Last Rites, we need priests. And we know that only bishops can make priests.

Where, then, can we go to find bishops who will ordain traditional Catholic priests, and thus ensure that the traditional Latin Mass will continue to be celebrated at our altars?

The laity and clergy connected with the Society of St. Pius X (nervous seminarians in particular) need worry no longer. On 30 June 1988 Abp. Lefebvre and the retired bishop of Campos, Brazil, Antonio de Castro-Mayer, consecrated four bishops for the Society of St. Pius X. These bishops have since ordained more priests for the Society and recently consecrated a bishop to succeed Bp. Mayer in Campos.

The Lefebvre bishops limit their episcopal ministrations only to those chapels and clergy who accept unquestioningly all the Society's theological opinions and who surrender legal control of their property to the Society. Likewise, these bishops will ordain to the priesthood only those seminarians who swear fealty to the Society's positions.

Many traditional priests disagree with the Society's positions and policies. We can hardly look to a Lefebvre bishop if we want children from our chapels to receive the Sacrament of Confirmation. Still less could we found a seminary to train the clergy who will one day succeed us, and then imagine that the Lefebvre bishops would ordain to the priesthood the seminarians we would train.

But Lefebvre bishops are not the only option. In the U.S. at present there are six traditional Catholic clergymen who are commonly referred to as the "Thuc" bishops. Unlike the Lefebvre bishops, the Thuc bishops are not connected in a single organization. They operate independently of each other (like most traditional priests), though some of them do co-operate together in certain apostolic works.

Like traditional Catholic priests, too, the six Thuc bishops are a diverse lot. Five are older men who were trained and ordained to the priesthood before the disastrous post-Vatican II changes hit; one (a younger man) received a traditional formation and was ordained a priest in the old rite well after Vatican II. Three were diocesan priests; three were members of different religious orders. Four of the bishops graciously cooperate with traditional Catholic chapels and clergy outside their own particular milieu; two bishops are definitely off in separate orbits. Of the six bishops, one has a reputation as a notorious troublemaker, another is not particularly well known one way or the other, and the other four (two of them recently consecrated) are well regarded in the circles where they pursued their apostolate, either through their writings or their sacramental ministry.

The Thuc bishops in the U.S. all trace their episcopal consecrations to one of two men:

- Bishop M.L. Guérard des Lauriers OP, formerly a professor at the Pontifical Lateran University in Rome and at the Society of St. Pius

X's seminary in Ecône, Switzerland (he was one of my teachers), and the author of the famous *Ottaviani Intervention*.

- Bishop Moises Carmona Rivera, a diocesan priest from Acapulco who for years offered the traditional Mass for sizable groups of the faithful in various parts of Mexico.

In 1981 Bps. Guérard and Carmona were consecrated bishops by one man: Archbishop Pierre Martin Ngô-dinh-Thuc (†1984), former Archbishop of Hué, Vietnam.

Abp. Thuc, appointed by Pius XI and consecrated a bishop in 1938, founded the Diocese of Vinh-long and was named Archbishop of Hué in 1960. In 1963, while Abp. Thuc was in Rome for the Second Vatican Council, his brother, Ngô-dinh-Diem, President of South Vietnam, was overthrown and murdered in a coup. Unable to return to Vietnam and treated by the Vatican as an outcast, Abp. Thuc eked out a meager existence serving as a substitute Assistant Pastor in various parishes near Rome.

His interest in the traditional movement appears to have begun in early 1975 when he visited Abp. Lefebvre's seminary in Ecône, Switzerland. The event would turn out to be a mixed blessing. There Abp. Thuc struck up an acquaintance with Father M. Revaz, former Chancellor of the Swiss Diocese of Sion and professor of Canon Law at the Ecône seminary. Later in 1975, Father Revaz convinced Abp. Thuc that the solution to the Church's problems were to be found in alleged "Marian apparitions" at Palmar de Troya, Spain, and he urged the Archbishop to consecrate bishops for the Palmar supporters, who wished to preserve the traditional Mass. Abp. Thuc agreed and performed the consecrations in December. The next year, however, Abp. Thuc repudiated his connections with the Palmar group.[1]

Traditional Catholics who discuss Abp. Thuc's subsequent activities in the traditional movement seem to fall into two opposing camps. The first group canonizes him by portraying him as a valiant hero who consistently rejected all the errors of the post-Conciliar Church. The second group insults him by painting him as an old fool who lacked enough presence of mind to confer a valid sacrament.

Both groups are wrong. On one hand, while Abp. Thuc did say the traditional Mass, he was hardly another Athanasius. His actions and his statements on the situation in the Church were, like Abp. Lefebvre's, often contradictory and mystifying. And like Abp. Lefebvre, he too apparently accepted a deal with the Vatican and later changed his mind. On the other hand, theological zig-zagging and errors of practical judgement prove only that a given archbishop (take your pick) is human and fallible. They do *not* prove that he's lost the tiny mental minimum which the Church says makes his sacraments valid.

But we've digressed a bit. Our purpose here is not to review the ins and outs of Abp. Thuc's career. Rather, we want to determine whether or not the six Thuc bishops in the U.S. are validly-consecrated bishops — that is, whether or not they possess the sacramental power possessed by all Catholic bishops to administer the Sacrament of Confirmation, to ordain priests who are real priests, and to consecrate other bishops who are real bishops.

This sacramental power, called the Apostolic Succession, passes from one Catholic bishop to all the bishops he consecrates. They in turn pass this sacramental power on to all the bishops *they* consecrate, and so on.

To pursue our inquiry, therefore, we must look to the episcopal consecrations of the two prelates to whom the six Thuc bishops in the U.S. trace their consecrations: Bps. Guérard and Carmona. If the episcopal consecrations of the latter two must be regarded as valid, then the line of orders which proceeds from them is likewise valid.

Now, as we shall demonstrate below, the pertinent facts and the pronouncements of popes, canonists (canon law experts) and Catholic moral theologians all lead to one unavoidable conclusion: we are obliged to regard as valid the episcopal consecrations Abp. P.M. Ngô-dinh-Thuc conferred on M.L. Guérard des Lauriers and Moises Carmona Rivera.

Since the consecrations of Bps. Guérard and Carmona were valid, we are likewise obliged to regard as valid the line of orders which

proceeds from them, and thus to hold that the priests ordained in this line are truly priests and that the bishops consecrated in this line are truly bishops.

I. SOME NOTES ON THE INVESTIGATION

In 1982 two Americans made their debuts as Thuc bishops in the U.S. The circumstances surrounding their appearance, put mildly, did not bode well for the future.

One of them was a priest then relatively new to the traditional movement, and the details of how or why he had been selected for episcopal consecration were never entirely clear. The other all but jumped through hoops pursuing his miter. As a priest in February 1982, he boasted of his support for John Paul II. Shortly thereafter, word of the Thuc bishops and their hard line against John Paul II began to spread. In June he embraced the sedevacantist position. In August the other American consecrated him a bishop.

Thereafter, the two bishops cranked out denunciations, split several chapels, issued "excommunications," pretended to set up dioceses, and otherwise pursued the sort of follow-me-or-die program so endemic among traditional clergy.

In January 1983 I published a lengthy article exposing these goings-on, together with a warts-and-all portrait of Abp. Thuc. I did not examine the issue of whether the consecrations were valid, but noted that "further research would be needed to ascertain what theologians and canonists consider sufficient evidence for validity in such a case."[2]

Absent such research, I was personally inclined to view the consecrations as doubtful. So too my fellow priests in the Northeast. Moreover, even after we had been expelled from the Society of St. Pius X in April 1983, the activities of the two American Thuc bishops rendered the idea of cooperating with them morally impossible. And there the matter rested for about two years.

In 1985 one of my confréres, the Rev. Donald J. Sanborn, suggested that our group approach Don Antonio de Castro-Mayer, the retired Bishop of Campos, Brazil, to see if he'd be willing to ordain priests for us, or at least offer some advice. This prelate had taken a strong stand against the New Mass, and his position on John Paul II was said to be much harder than Abp. Lefebvre's.

Father Sanborn visited Campos in April 1985 and spoke at great length with Bp. Mayer. The bishop, it turned out, confined his apostolate to Brazil.

When Father Sanborn broached the topic of who could ordain priests for us, Bp. Mayer said: "Go to Guérard!"

Father Sanborn said that he doubted the validity of Bp. Guérard's episcopal consecration. The bishop replied: "If it's valid for Guérard, it's valid for me." Father Sanborn explained some of his hesitations. Bp. Mayer answered: "Guérard is the most qualified person in the world to determine if the consecration was valid."

On his return, Father Sanborn suggested that some of us research the principles moral theologians employ to determine whether an episcopal consecration is valid. Since I was skeptical of the consecrations, I volunteered to work along with him.

The investigation turned out to be a formidable task. Since 1985 Father Sanborn and I have spent between us at least a thousand hours on research, much of it in the theology and canon law sections of Catholic university and seminary libraries throughout the U.S.[3]

The conclusion which began to emerge was, I admit, contrary to my initial expectation. There are no "special" or "extra" proofs which must be made before one can say that an episcopal consecration is valid. Canonists and theologians treat a consecration as they would any other sacrament. Once it's been performed, it's regarded as valid, and the "burden of proof" (if any) rests on those who *attack* its validity.

At a September 1988 priests' meeting, Father Sanborn distributed a brief internal report to the priests on the theological principles to be

applied. Father concluded that we had to regard the consecrations as valid.

Overall, I found the report convincing. In particular, Father's comments corresponded with what I had uncovered in Pope Leo XIII's Bull *Apostolicae Curae.*

A heated discussion ensued. Later that day, I spoke with the Rev. Clarence Kelly, the head of our organization. I mentioned that Leo XIII's pronouncement seemed to demolish my objections to the validity of the consecrations — and his as well. He replied: "We *can't* say that the consecrations [of the Thuc bishops] are valid — or some of our priests will want to get involved with them."

At this point I concluded that the arguments against the validity of the consecrations might be based on something other than objective norms of sacramental theology.

After I left the Society of St. Pius V in July 1989, Father Sanborn and I continued to compare notes on our research. What follows is the product of our collaborative efforts. The lion's share of credit belongs to Father Sanborn, who tracked down theological sources and papal decrees with fierce determination.

II. THE FACT OF THE CONSECRATIONS.

We begin our inquiry by asking two simple questions:

- On 7 May 1981 in Toulon, France, did Abp. Thuc perform the rite of episcopal consecration for Guérard des Lauriers using the traditional Catholic rite?

- On 17 October 1981 in Toulon, France, did Abp. Thuc perform the rite of episcopal consecration for Moises Carmona using the traditional Catholic rite?

The answer to both questions is yes.

But note that we've used a clumsy phrase. We've asked if Abp. Thuc *performed the rite* of episcopal consecration for two people, rather than asking if he *consecrated* them. Why?

To call attention to an important distinction between two things:

- The *fact* of a sacrament — i.e., did a ceremony *take place*? and
- The *validity* of a sacrament — i.e., did the ceremony *work*?

Catholic canonists and moralists such as Fathers Cappello,[4] Davis,[5] Noldin,[6] Wanenmacher,[7] and Ayrinhac[8] take such a distinction for granted. So, too, do Church tribunals convened to rule on the validity of a marriage[9] or an ordination.[10] Facts first, validity later.

In this section, therefore, we will not address the issue of validity (Did the consecrations *work*?), but merely the issue of *fact* (Did the ceremony *take place*; did Abp. Thuc *perform the rite*?)

Clearly, the Thuc consecrations took place. But since a few traditional priests have claimed that fact of the consecrations is not "proven" or "certain," or can't be "acknowledged," we'll take a few moments to prove the obvious.

A. Legal Limbo

When things were normal in the Church, it was easy to ascertain the fact that an episcopal consecration took place. You went to someone with authority. He looked up the particulars in an official register. If an authorized church official had duly recorded the consecration in the register, church law regarded it as a fact — "proven" in the eyes of church law. The same goes for baptisms, confirmations and priestly ordinations.

If these official registers were lost or accidentally destroyed, you took another route. You brought the evidence to someone with authority — a diocesan bishop or a judge in a Vatican tribunal, say.

The official examined the evidence and issued a decree stating that so-and-so had received the sacrament.

These officials enjoyed a legal power called *ordinary jurisdiction* — authority, deriving ultimately from the pope, to command, make laws, punish and judge. Part of that authority consisted in the power to establish in the eyes of church law the fact that a given sacramental act took place — to function as a sacramental counterpart to the Registrar of Deeds.

In both cases — that of either official registers or hierarchical decrees — someone with *ordinary jurisdiction* was exercising his power. He judged he had sufficient legal evidence that, say, a particular ordination had been performed. He entered it into the official register, or issued a decree. The fact of the ordination was then established before the law.

In contrast to this, consider my own ordination. It's a *fact* that Archbishop Lefebvre ordained me to the priesthood in Ecône, Switzerland on 29 June 1977. But that fact has not been *legally* established. It's not recorded in the ordination register of the Diocese of Sion, as church law would require. Should normalcy return to the Church in my lifetime, I'd go to someone with ordinary jurisdiction. He would then rule on the evidence and issue a decree which would *legally* establish the fact of my ordination.

Where does this leave the fact of the Thuc consecrations? In the same place it leaves my ordination, the Lefebvre consecrations and all sacraments traditional Catholic clergy confer: in a sort of legal limbo. Since no one in the traditional movement possesses ordinary jurisdiction, no one has the power to rule on the legal evidence that a particular sacrament was performed and then establish it as a fact before church law. That's a function of church officials who have received their authority from a pope.

Nevertheless, we traditional Catholics can and do establish the fact that we have conferred or received sacraments. The means we use is *moral certitude*, a simple concept we'll apply to the Thuc consecrations, just as we do to any other sacrament.

B. Documentation

Unlike the Lefebvre consecrations in 1988, the Thuc consecrations received little or no publicity in the United States. Nevertheless, it's easy to document the fact that the ceremonies took place. Here are some sources:

- Published photographs of Bp. Guérard's 7 May 1981 consecration.[11]

- Published photographs of Bp. Carmona's and Bp. Adolfo Zamora's 17 October 1981 consecration.[12]

- Accompanying captions stating that Abp. Thuc performed the consecrations according to *The Roman Pontifical* (1908 edition).[13]

- A February 1988 interview, conducted under oath, with Dr. Kurt Hiller, who was present at both consecrations and who held the ritual book (*The Roman Pontifical*) for Abp. Thuc as he performed the rite of consecration.[14]

- A sworn affidavit of Dr. Eberhard Heller, who was also present at both consecrations, attesting that Bps. Guérard, Carmona and Zamora were consecrated bishops by Abp. Thuc and that "The consecrations followed *The Roman Pontifical* (Rome: 1908)."[15]

- A letter from Josef Cardinal Ratzinger to Abp. Thuc, which speaks of the Vatican's "well-founded inquiry" into the consecrations, and which specifically notes that Abp. Thuc consecrated Guérard, Carmona and Zamora.[16]

- A 1983 Vatican statement which mentions by name those who were consecrated, and (as one would expect) denounces the consecrations.[17]

- A published letter of Abp. Thuc, dated 11 July 1984, in which he acknowledges that he conferred the episcopate in 1981 on "several priests, namely Revs. M.L. Guerard des Lauriers, O.P., Moses Carmona, and Adolfo Zamora."[18]

- A published interview with Bp. Guérard in which he attests that Abp. Thuc consecrated him on 7 May 1981, that “the consecration was *valid*,” that “the traditional rite was followed integrally (except for the reading of a Roman mandate),” and that “Abp. Thuc and I had the intention to do what the Church does.”[19]

- An interview with Bp. Guérard where he again affirmed he had been consecrated on 7 May 1981, and that the rite was followed integrally.[20]

- An interview with the Rev. Noël Barbara, conducted under oath, in which Father Barbara stated that he visited Abp. Thuc in 1982, and that Abp. Thuc then acknowledged that he did, in fact, consecrate Bps. Guérard and Carmona.[21]

All these sources, of course, agree on the key issue: the fact that Abp. Thuc performed the rite of episcopal consecration for M.L. Guérard des Lauriers on 7 May 1981, and again for Moises Carmona and Adolpho Zamora on 17 October 1981.

The statements of Dr. Heller, Dr. Hiller, Bp. Guérard and the photo captions (written by Dr. Heller), moreover, are in accord on another key issue: the fact that Abp. Thuc used the traditional rite to perform the consecrations.

C. An Established Fact

Faced with this documentation, the reader sensibly concludes that it is a *fact* that Abp. Thuc performed these consecrations and a *fact* that he used the traditional Catholic rite. Why? The documentation all points to the same basic facts. The parties involved never changed their stories on these facts. It “rings true.”

The “sound of truth” we hear, when considering facts about this or any other matter, results from *moral certitude*, a common-sense standard we employ all the time.

Catholic moral theologians say that moral certitude occurs when we realize it's impossible for us to be wrong about a particular fact, since the opposite of that fact is so unlikely that we know it would be imprudent to believe it.[22] It therefore involves considering the *opposite* of something to see how likely it is.

An example* will help here: I didn't see Elvis Presley die. But his wife, the doctor, the sheriff and the undertaker all say he died. I then consider the opposite: that Elvis lives and stalks the aisles of my supermarket. But that would mean that the four people who saw his dead body and who say he's dead are all liars, involved in a massive conspiracy. This is all so unlikely that I couldn't possibly believe it. I've therefore arrived at moral certitude about a fact: Elvis — "The King"— is indeed dead.

To arrive at moral certitude about the Thuc consecrations, therefore, we consider whether the *opposite* of the evidence we have is likely enough to be believable: i.e., that Abp. Thuc did *not* perform either Bp. Guérard's or Bp. Carmona's consecration, or that, if he did, he did *not* use the traditional rite.

This presupposes scenarios like the following: (1) That Abp. Thuc, Bp. Guérard, Bp. Carmona, Bishop Zamora (now deceased), and two arch-sedevacantist laymen lied, faked photos on two occasions, committed perjury in two instances, and engaged in a complex and well-orchestrated conspiracy. (2) That the six different people most directly involved were completely mistaken about the fact that two episcopal consecrations took place. (3) That Guérard, Carmona and Zamora subsequently conferred ordinations and episcopal consecrations they knew were null and void. (4) That Guérard, Carmona and Zamora, aided and abetted by Drs. Hiller and Heller, allowed Abp. Thuc to consecrate them bishops with some rite *other* than the traditional Catholic rite. (5) That the persons involved with the consecrations also deceived Vatican officials about the event, or got the Vatican to participate in the conspiracy.

These scenarios, obviously, are preposterous and absurd, and no evidence whatsoever exists to support them. But they're the only kind of theories someone can put forward if he wants to say that we have

no moral certitude about the fact of the Thuc consecrations. And if someone finds these alternatives believable or likely, all I can tell him is: Keep your eyes open in the supermarket.

This leaves us with *moral certitude* about the fact of the Thuc consecrations, certitude "which excludes all fear of error and every serious or prudent doubt."[23] This is all that theologians require for any sacrament. Since we have no serious or prudent ground to doubt that the consecrations took place and that the old rite was used, we must regard both occurrences as established facts.

III. THE VALIDITY OF THE CONSECRATIONS

We now turn to the question which occasioned this study:

- Are we obliged to regard the Thuc consecrations as *valid* — i.e, as having *worked*?

Based on the principles church law and moral theology apply to all the sacraments, we are obliged to answer yes.

To understand why, we have but to recall how little is required to perform a valid episcopal consecration, and how church law and moral theologians consider those requirements as met in a given case, unless there is *positive evidence* to the contrary.

A. A Recipe for Validity

Among the many beautiful ceremonies of the Catholic Church, the Rite of Episcopal Consecration is surely the most splendid and the most complex. It takes place on the feast of an Apostle, usually before a large gathering of the faithful. In its most solemn form, the bishop who performs the rite is assisted by two other bishops (called "Co-Consecrators"), 11 priests, 20 servers and 3 Masters of Ceremonies.[24] To perform an episcopal consecration observing all the elaborate ceremonial directions takes about four hours.

On the other hand, to perform an episcopal consecration *validly* takes about 15 *seconds*.

This is about the length of time it takes a bishop to impose his hands on a priest's head and recite the 16-word formula the Church requires for validity.

The foregoing may startle the lay reader. But the case is akin to something we all learned in catechism class. All you need to baptize someone validly is ordinary water and the short formula (I baptize thee, etc.). It was so simple that even a Moslem or a Jew could get it right if someone really wanted to be baptized. And once the water was poured and the short formula was recited, you'd be just as validly baptized, and just as much a Christian as if the pope himself had done it in St. Peter's Basilica.

The recipe the Church lays down for a valid episcopal consecration is equally simple. Other than a validly-consecrated bishop to perform the rite and a validly-ordained priest who intends to receive consecration, there are just three ingredients essential for validity:

(1) The imposition of hands by the consecrating bishop (technically called the *matter* of the sacrament).

(2) The essential 16-word formula recited by the consecrating bishop (technically called the *form* of the sacrament).[25]

(3) A minimal intention on the consecrating bishop's part "to do what the Church does" (called *ministerial intention*).

Though all the ceremonies prescribed in the rite should be observed, the three foregoing elements are *all* that is required for an episcopal consecration to be *valid*.

B. Burden of Disproof

Once you're certain of the fact that a real bishop performed a consecration using a Catholic rite, is it then necessary to prove

positively that the bishop did *not* omit one of these essential elements during the ceremony?

No. The mere fact that a bishop used a Catholic rite is of *itself* sufficient evidence for validity, which thereafter requires no further proof. Validity becomes a "given," which can only be *disproved*. And this can only be achieved by demonstrating that one of the ingredients essential to validity was either absent (or probably absent) when the ceremony was performed.

This applies to *all* the sacraments and is evident from:

1. **Ordinary Pastoral Practice.** Day-to-day sacramental record-keeping takes for granted that the minister of a sacrament fulfilled the essential requirements for validity. Official baptismal and ordination registers say nothing whatsoever about technical terms such as "matter," "form" or "ministerial intention." And sacramental certificates merely state that so-and-so received a sacrament "with all necessary and fitting ceremonies and solemnities," or simply "according to the rite of the Holy Roman Church." They say nothing more, because church law requires nothing more. Such sacraments are regarded as valid without further proof.

2. **Canonists.** Canonists speak of "the queen of presumptions, which holds the act or contract as valid, until invalidity is proved."[26] It is applied to the sacraments in the following way: If someone goes before a church court to challenge the validity of a Catholic baptism,[27] marriage[28] or ordination,[29] the burden of proof is on *him*. *He* must show that something essential was lacking when the sacrament was conferred.

3. **Church Law and Moral Theology.** These sources forbid readministering a sacrament conditionally unless there is a "prudent" or "positive" doubt about validity. (See IV.A below.) As an example of a doubt which would *not* fall into this category, the Dominican moral theologian Fanfani speaks of a priest who does not recall whether he recited the essential sacramental formula. "He should repeat nothing," says Fanfani. "Indeed, he sins if he does so — for *everything that is done must be supposed to have been done correctly, unless the contrary is positively*

established."[30] That the essential parts of the rite were performed is once again simply taken for granted.

The canonist Gasparri (later a cardinal and compiler of the 1917 Code of Canon Law) offers a general principle: "…an act, especially one as solemn as an ordination, must be regarded as valid, as long as invalidity would not be clearly demonstrated."[31]

4. Even Unusual Cases. Canonists and moralists even extend these principles to cases where someone other than the usual Catholic minister employs a Catholic rite to confer a sacrament. If a midwife who says she performed an emergency baptism is serious, trustworthy and instructed in how to perform baptisms, says the theologian Merkelbach, "there is no reason to doubt seriously the validity of a baptism."[32]

Finally, so strongly does the Church hold for the validity of a sacrament administered according to a Catholic rite, that she extends the principle not only to Catholic clergymen, but also even to *schismatics*. Thus ordinations and episcopal consecrations received from Orthodox bishops, and from Old Catholic bishops in Holland, Germany and Switzerland "are to be regarded as valid, unless in a particular case an essential defect were to be admitted."[33]

The foregoing, of course, reflects the Church's reasonableness. She doesn't ask us to disprove convoluted negative accusations — "Prove positively to me that you did not *omit* to do what you were supposed to do to make the sacrament valid." Otherwise, hordes of specially-qualified witnesses would have to be trained to do an independent validity check each time a priest conferred a sacrament.

It is easy to see, therefore, why a sacrament administered with a Catholic rite must be regarded as valid till the contrary is positively established.

C. Validity

The requirements for a valid episcopal consecration, then, are minimal. And when a Catholic rite is employed for this or any other sacrament, ordinary pastoral practice, canonists, church law and moral theologians require no further proof for a sacrament's validity — even when it is administered by a midwife or a schismatic. Validity, rather must be *disproved*.

When we turn to consider the consecrations of Bp. Guérard and Bp. Carmona, three key facts are absolutely certain:

(1) Abp. Thuc was a validly-consecrated bishop.

(2) He performed the rite of episcopal consecration for Bp. Guérard on 7 May 1981 and for Bp. Carmona on 17 October 1981.

(3) Abp. Thuc employed a Catholic rite for both consecrations.

We have a validly-consecrated bishop. He performed the rite of episcopal consecration. He used a Catholic rite. No further proof is needed. Therefore:

We are obliged to regard the episcopal consecrations Abp. P.M. Ngô-dinh-Thuc conferred on M.L. Guérard des Lauriers and Moises Carmona Rivera as valid.

IV. DUBIOUS OBJECTIONS

As noted above, Bishop Antonio de Castro-Mayer accepted the validity of Bp. Guérard's consecration. Likewise the Papal Nuncio to the U.S., Archbishop Pio Laghi. While condemning Guérard's consecration as "illicit," he too acknowledged that it was "valid."[34] A query to either prelate about Bp. Carmona's consecration presumably would have prompted similar responses.

Although churchmen as far apart theologically as the traditionalist prelate of Campos and John Paul II's official representative in the U.S. can agree on the validity of the consecrations, a few traditional Catholic priests remained wary. Some honestly found certain issues

puzzling. Others aggressively denounced the validity of the consecrations as "doubtful."

We'll deal with the latter group here. Each of their objections has been based on one of two things: (A) A gratuitous assertion which theologians would characterize as a "negative doubt," which as such cannot be employed to impugn the validity of a sacrament. (B) A supposed "requirement" of church law or moral theology which turned out to have been invented by the objectors.

A. "Negative" Doubts

The only way a sacrament can truly be said to be doubtful is if you establish a *positive* (or prudent) doubt about its validity. A doubt is *positive* when it possesses a basis which is clearly objective and firmly rooted in reality. In the case of a sacrament, it must be founded on solid evidence that something essential to validity was probably omitted.

To establish a positive doubt about the validity of the Thuc consecrations, therefore, you'd have to prove that, when the rite was performed, a substantial defect either *did* occur or *probably* occurred in one of the following essential elements:

- The imposition of hands.
- The essential 16-word formula.
- The minimal intention of the bishop "to do what the Church does."

Now *no one* who was present at the Thuc consecrations has ever said one of these defects occurred.

Absent any evidence whatsoever for such a defect, the objectors raise personal speculations, musings, conjectures, hypotheses and — a favorite device — rhetorical questions about what may or may not, or

possibly could or could not, have occurred during the "essential 15 seconds" of the consecration.

The chief characteristic of such objections, however, is that they are subjective — i.e., rooted not in a *knowledge* of what occurred during the rite, but in the objector's *lack* of *personal* knowledge of what occurred. Such objections are what moral theologians call *negative* (or imprudent) doubts. And negative doubts don't render a sacrament "doubtful."

We'll limit ourselves to a few of the more frequently-repeated negative doubts.

Objection 1. *What if something essential were omitted and we don't know about it? Wouldn't it be terrible? Shouldn't we want to be really sure? Isn't it prudent to wonder? Isn't it prudent to doubt? Don't we need more proof? etc.*

Here we see a whole herd of negative doubts thundering along at full gallop. Observe how the procedure works: Lots of questions. Oodles of dark hints. But no pertinent and verifiable facts. And no underlying principle drawn from canon law or moral theology.

The response is simple: Catholic canonists, moral theologians and popes have told us what makes the validity of a sacrament morally certain. These are the prescriptions we must follow. We are engaged in making up our own religion when we pretend we can ask for more.

Objection 2. *I question whether Abp. Thuc "intended to do what the Church does," so the consecrations must be considered doubtful.*

- A priest or bishop who confers a sacrament doesn't have to "prove" that he intends to do what the Church does. He is *automatically* presumed to intend what the rite means. This is certain theological doctrine, taught by the Church. And to deny it is "theologically rash."[35] Leo XIII specifically confirmed the principle with regard to Holy Orders when he said that someone who seriously

and correctly uses the matter and form “is for that very reason deemed to have intended to do what the Church does.”[36]

We quoted above the canonist Gasparri’s statement that an ordination must be regarded as valid till invalidity is demonstrated. He also says that a bishop who confers Holy Orders is *never* presumed to have the intention of *not* ordaining someone as long as the contrary is not proved. For no one should be presumed to be evil, he adds, unless he is proven as such.[37]

Attacking Abp. Thuc’s ministerial intention, therefore, is impermissible.

- The mere attempt to do so, moreover, betrays an epic spirit of presumption. Investigating and trying cases where ordinations are impugned for lack of intention was the job of a Vatican court called the Holy Office. The pope himself then specifically confirmed the court’s decision.

Floating traditional clergy, therefore, have neither the right nor the authority to attack the ministerial intention of a validly-consecrated Catholic archbishop. The very idea is silly.

Objection 3. *I think Abp. Thuc was insane or senile, so the consecrations must be considered doubtful.*

This is a variant of Objection 2, since it attacks Abp. Thuc’s ministerial intention. From what we’ve said above, it’s likewise impermissible.

The objectors, please note, produced not even *one* witness or document to support their charge that Abp. Thuc was “insane” or “senile” when the consecrations took place. Merely by raising this issue, of course, they hint that there might be a factual basis for it: Prove he was *not* insane or senile. It’s like saying: Prove you don’t beat your wife.

- The minimum "level" of intention required to confer a sacrament validly is *virtual intention*. A lengthy discussion of this technical concept isn't possible here. All we need say is that virtual intention guarantees that a sacrament is valid, even if the priest or bishop is internally distracted before and during the whole sacramental rite.

Virtual intention, says the theologian Coronata, "is certainly present in someone who regularly performs sacramental actions."[38] The mere act of putting on vestments and going to the altar is considered sufficient evidence for virtual intention.

Abp. Thuc celebrated the traditional Mass regularly before and after the consecrations — and very devoutly, said one of my lay friends who once witnessed him do so. It's ridiculous to imply that, when he vested and performed the three-hour-long episcopal consecrations, Abp. Thuc suddenly couldn't manage the bare minimum of a virtual intention.

- Those who actually knew him dismiss these accusations anyway. Dr. Eberhard Heller, who was present at both consecrations, attested under oath that Abp. Thuc "conferred the consecrations in full possession of his intellectual powers."[39] Bp. Guérard likewise stated Abp. Thuc was of "sound mind," "perfectly lucid,"[40] and "had the intention to do what the Church does."[41] The Rev. Thomas Fouhy, a traditional priest from New Zealand, spent two days in Toulon, France with Abp. Thuc in 1983. The archbishop, Father Fouhy related, was "nobody's fool," and discussed with competence various issues in theology and canon law. He even regaled Father Fouhy with details about his trip to New Zealand in 1963. Father Fouhy added that there was no doubt that Abp. Thuc was competent.[42]

So too, even the Archbishop's enemies in the traditional movement. The Revs. Noël Barbara and Gustave Dalmasure visited Abp. Thuc separately in January 1982. Both opposed the consecrations and are still critical of Abp. Thuc. But both still attest that he was in perfect possession of his faculties.

Father Barbara says that the validity of the consecrations is beyond question. He believes the Conciliar Church started the rumor attacking Abp. Thuc's sanity.[43]

- I received photocopies of four documents written in Abp. Thuc's own hand. All originated after the consecrations. His handwriting is clear, firm and more legible than my own. The documents are clearly the work of a man who is coherent and whose competency to confer a valid sacrament is unassailable.

One document is a 30 July 1982 letter to Bp. Guérard forwarding some correspondence. Two are declarations: one, that he broke off connections with the Palmar de Troya group,[44] the other, declaring his position on the vacancy of the Holy See.[45]

The last document is a 1982 letter (in Latin) responding to an inquiry from Bp. Guérard. Several months after his consecration, Bp. Guérard heard that Abp. Thuc had once previously concelebrated the *Novus Ordo* on Holy Thursday, 1981 with the Bishop of Toulon. The Archbishop admits it was true — but closes with this touching phrase: "I hope that God has not judged me so cruelly, for I erred in good faith."[46]

A man who could write such a statement clearly had all his wits about him.

- We therefore draw the appropriate conclusion: Catholic teaching forbids assaults on Abp. Thuc's sacramental intention. And, in light of statements from the Archbishop and those who knew him, Catholic moral principles dictate that one cease repeating the baseless calumny that he was incapable of conferring a valid sacrament.

B. Non-Existent "Requirements"

Time and again as we pursued our research, those who objected to the Thuc consecrations told Father Sanborn and me that "the Church requires" X or Y for an episcopal consecration to be considered valid,

that the consecrations didn’t meet the requirement, and that they were therefore “doubtful.”

Most of these objections were somehow linked to the fact that, apart from Abp. Thuc and the bishops-to-be, only two laymen were present at the ceremonies.

Each time we’d eventually discover that the supposed “requirement” originated not with the Church, but merely with the objectors. Here is a sampler:

Objection 1. *Without a signed certificate, an episcopal consecration is doubtful.*

- There is no church law which says that failure to issue a certificate automatically renders an episcopal consecration doubtful. Moral certitude about the fact a sacrament took place is all that’s required to regard it as valid. (See II.A,C above.)

- In any case, the *diocesan ordination register*, and not the certificate from the consecrating bishop, is the official record of an episcopal consecration.

Objection 2. *The consecrations were a “secret” fact, rather than a “notorious” fact. The burden of proof for a secret fact rests on those who assert it, and since that burden of proof has not been met, the consecrations are doubtful.*

This objection is pure mumbo-jumbo.

- Nowhere does church law say that an episcopal consecration performed with only two laymen present is a “secret” fact or that such a consecration is doubtful. The objectors made the rule up.

- Two witnesses suffice to make an act legally “public” under church law anyway. Marriage by its nature, for instance, is always considered a public sacrament. But it can be contracted behind closed

doors (to avoid embarrassment, say) in front of two witnesses. Their presence makes it legally "public," even though the fact that the sacrament took place is not broadcast far and wide.

- The references to "secret" and "notorious" facts are drawn from rules of evidence in canon law which apply only when two adverse parties are fighting out a lawsuit, Perry Mason-style, before an ecclesiastical judge in a church trial.

Obviously, the court's not in session. It won't *be* in session till the hierarchy of the Church is restored. The court's power to rule on evidence, meanwhile, hasn't passed by default to the objectors.

And even if the court *were* in session, the objectors would be thrown out of the courtroom: Under church law, only three classes of people can challenge the validity of an ordination or consecration.[47] All other persons, says the canonist Cappello, lack the right to accuse.[48]

Objection 3. *Without "qualified witnesses" an episcopal consecration is doubtful.*

- No church law prescribes that witnesses, qualified or otherwise, must be present at an episcopal consecration — still less, that a consecration is doubtful without them. Again, the objectors fabricated a requirement out of thin air.

Objection 4. *Without at least two priests present to attest that it was performed validly, an episcopal consecration is doubtful.*

This "requirement" doesn't exist, and is directly contradicted by acts authorized by the Holy See.

- The function of the priest-assistants is *not*, as the objectors seem to think, to attest to the validity of a consecration. Pope Benedict XIV says clearly that the reason for the priest-assistants is to *add solemnity* to the liturgical act and to carry out the prescriptions of the rites.[49]

- In mission countries, episcopal consecrations were often performed without priest-assistants.[50] The practice was sanctioned by Pope Alexander VII,[51] Pope Clement X[52] and Pope Pius VI.[53] Pius VI's brief, in fact, was addressed to bishops in what was then called Tonkin and Cochin China — the part of Vietnam where Abp. Thuc's dioceses were located.

- The Church did not merely *allow* episcopal consecrations to be performed without two priest-assistants, but in some cases specifically *ordered* it. In one case, Rome ordered that an episcopal consecration not only be performed secretly and without assistants, but even under the seal of confession.[54]

In a more recent case, Pope Pius XI in 1926 ordered that the Papal Nuncio to Germany perform a secret episcopal consecration without *anyone* present. The Nuncio was Eugenio Cardinal Pacelli, later, of course, Pope Pius XII. Pacelli petitioned Rome that he be allowed to have at least one priest present — not, please note, to serve as a "witness," but merely so the Cardinal could have someone to hold the Missal on the new bishop's shoulders as prescribed while the Preface was recited.[55]

- Pius XI sent the bishop whom Pacelli consecrated, Mgr. d'Herbigny, into Russia in order to consecrate bishops secretly. He conducted the first such consecration on 21 April 1926 for a certain Father Neveu. The consecration took place without priest-assistants and in the presence of two laymen — circumstances identical to those of the Thuc consecrations. Mgr. d'Herbigny issued no certificate.[56]

The Church, obviously, would not allow — still less command — a bishop to perform an episcopal consecration without priest-assistants if such were "doubtful." It is impossible, therefore, to maintain that the Thuc consecrations are "doubtful" on such grounds.

Objection 5. *Without a papal dispensation, an episcopal consecration performed without two priest-assistants is doubtful*.

- Once again, no law or canonist supports this.

- The teachings of the canonists directly contradict it. Bouix says flatly: “Even if there should be a consecration without any assistants and without obtaining a pontifical dispensation, it would still be valid.”[57] Regatillo, writing in a 1953 work, goes even further. He says that a consecration performed without a dispensation would be valid even if the bishop “is the only one who is present at the consecration.”[58]

- Pope Alexander VII,[59] Pope Clement XI and Pope Benedict XIV declared that consecrations performed without such a dispensation are valid.[60]

CONCLUSIONS

Traditional Catholics, long accustomed to controversies where the virtue or wickedness of persons or organizations stands at center stage, may find all the foregoing dry and bland. We’ve spent no time at all arguing over the personal qualities of the parties involved — whether or not Thuc, Guérard or Carmona were virtuous, wise, prudent, logical, consistent or theologically perspicacious.

Such discussions have no bearing whatsoever on the issue of whether or not a sacrament is valid. They concern what theologians call the *probity* of the minister. And it is a truth of the Catholic faith that the valid administration of a sacrament does not depend on a priest or bishop’s probity.[61]

The issue of whether the Thuc consecrations were *valid*, therefore, boils down to a few dry principles and a handful of facts:

(1) All that is required to perform an episcopal consecration validly is an imposition of hands, a 16-word formula and the minimal intention “to do what the Church does.”

(2) Once you establish the fact that a validly-consecrated bishop performed an episcopal consecration using a Catholic rite, the essential elements are taken for granted. The validity of the consecration requires no further proof; rather, it can only be *disproved — and the*

burden of disproof is on the accuser. This is evident from ordinary pastoral practice, canonists, church law and moral theology. The principle is extended even to episcopal consecrations performed by schismatics.

(3) Three essential facts are beyond dispute: (a) Abp. Thuc was a validly-consecrated bishop. (b) He performed the rite of episcopal consecration for Bp. Guérard on 7 May 1981 and for Bp. Carmona on 17 October 1981. (c) Abp. Thuc employed a Catholic rite for both consecrations.

We have a validly-consecrated bishop. He performed episcopal consecrations. He used a Catholic rite. We are obliged, therefore, to regard the episcopal consecrations Abp. P.M. Ngô-dinh-Thuc conferred on M.L. Guérard des Lauriers and Moises Carmona Rivera as valid.

Since these consecrations were valid, we are likewise obliged to regard the Thuc bishops in the U.S. as validly-consecrated bishops who possess the sacramental power to confirm, to ordain, and to consecrate bishops.

(*Sacerdotium* 3, Spring 1992)

Bibliography

Acta Apostolicae Sedis. Periodical. Rome.

Alexander VII Pope. Brief *Alias*, 27 February 1660.

Alexander VII, Pope. Brief *Onerosa*, 4 February 1663.

Ayrinhac, H.A. *Legislation on the Sacraments in the New Code of Canon Law.* New York: Longmans 1928.

Benedict XIV, Pope. *De Synodo Diocesana*. In *Operum Editio Novissima*. Prado: Aldina 1844. Volume 10.

Beste, Udalricus OSB. *Introductio In Codicem.* Collegeville: St. John’s 1946.

Bouix, D. *Tractatus de Episcopo.* Paris: Ruffet 1873.

Cappello, Felix M. SJ. *Tractatus Canonico-Moralis De Sacramentis.* Rome: Marietti 1961.

Clement X Pope. Brief *Decet Romanum*, 23 December 1673.

Code of Canon Law.Vatican: 1917.

Collectanea de Propaganda Fide. Periodical. Rome.

Conte a Coronata, Mathaeus OMC. *De Sacramentis: Tractatus Canonicus*. Turin: Marietti 1943.

Davis, Henry SJ. *Moral and Pastoral Theology.* New York: Sheed and Ward 1943.

Einsicht. Periodical. Munich.

Fanfani, Ludovicus OP. *Manuale Theorico-practicum Theologiae Moralis.* Rome: Ferrari 1949.

Fortes dans la Foi. Periodical. Tours (France).

Gasparri, Petro. *Tractatus de Sacra Ordinatione*. Paris: Delhomme 1893.

Leeming, Bernard SJ. *Principles of Sacramental Theology*. Westminster md: Newman 1956.

Leo XIII Pope. Bull *Apostolicae Curae*, 13 September 1896.

Lesourde, Paul. *Le Jésuite Clandestine: Mgr. Michel d'Herbigny*. Paris: Lethielleux 1981.

Many, S. *Praelectiones de Sacra Ordinatione*. Paris: Letouzey 1905.

McHugh, J.A. *The Casuist.*. New York: Wagner 1917.

McHugh, John A. OP & Charles J. Callan OP. *Moral Theology*. New York: Wagner 1929.

Merkelbach, Benedictus H. OP. *Summa Theologiae Moralis*. Bruges: Desclée 1962.

Nabuco, Joachim. *Pontificalis Romani Expositio Juridico-Practica*. New York: Benziger 1945.

Noldin, H. & A. Schmitt SJ. *Summa Theologiae Moralis.* Innsbruck: Rauch 1940.

Pius VI, Pope. Brief *Exigit Pastoralis*, 22 July 1798.

Regatillo, Eduardus F. SJ. *Interpretatio et Jurisprudentia Codicis Juris Canonici,* 3rd edition. Santander: Sal Terrae 1953.

Regatillo, Eduardus F. SJ. *Jus Sacramentarium*, 2nd edition. Santander: Sal Terrae 1949.

Sodalitium. Periodical. Verrua Savoia (Italy).

The Roman Catholic. Periodical. Oyster Bay NY.

Wanenmacher, Francis. *Canonical Evidence in Marriage Cases.* Philadelphia: Dolphin 1935.

Woywood, Stanislaus OFM. *A Practical Commentary on the Code of Canon Law.* New York: Wagner 1952.

Zitelli, Zephyrino. *Apparatus Juris Ecclesiastici*. Rome: 1888.

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[1] *Einsicht* 11 (March 1982), 12. “Je n’ai plus de rélations avec Palmar depuis leur chef se proclame Pape. Je désapprouve tout ce qu’ils font.”

[2] *The Roman Catholic* 5 (January 1983), 8.

[3] Among them: Catholic University, St. John’s, Fordham, Xavier, Marquette, Detroit, Dunwoodie, Douglaston, St. Francis and the Josephinum.

[4] F. Cappello, *Tractatus Canonico-Moralis De Sacramentis,* (Rome: Marietti 1961), 1:21. “Quoties rationabile seu prudens adest dubium de *collato sacramento* necne aut de collati sacramenti *valore*.” My emphasis.

[5] H. Davis, *Moral and Pastoral Theology.* (New York: Sheed and Ward 1943), 3:25. The “validity of a sacrament *bestowed*.” My emphasis.

[6] H. Noldin & A. Schmitt, *Summa Theologiae Moralis* (Innsbruck: Rauch 1940), 3:27. “In sacramentis… *dubium facti* habetur, si dubitatur, an sacramentum *reipsa* collatum sit vel *quomodo* collatum sit, nempe cum debita materia, forma et intentione.” His emphasis.

[7] F. Wanenmacher, *Canonical Evidence in Marriage Cases,* (Philadelphia: Dolphin 1935), 500. “…when the *fact* of baptism has been established, but the *validity* remains doubtful…” My emphasis.

[8] H. Ayrinhac, *Legislation on the Sacraments* (New York: Longmans 1928), 6. "Should a prudent doubt exist as to the *fact of their administration* or *their validity* …” My emphasis.

[9] *Code of Canon Law,* Canon 1014. “in dubio standum est pro valore matrimonii, donec contrarium probetur…”

[10] See S.C. Sacraments, Decree 9 June 1931, *Acta Apostolicae Sedis* 23 (1931), 457ff.

[11] *Einsicht* 12 (May 1982), 4–6.

[12] *Einsicht* 11 (March 1982), 14–19.

[13] *Einsicht* 11 (March 1982), 14. "Bischofsweihe S.E. Mgr. M.-L. Guérard des Lauriers, o.p.: in Toulon am 7.Mai 1981; Konsekrator: S.E. Mgr. Pierre Martin Ngô-dinh-Thuc: nach dem 'Pontificale Romanum summorum pontificum jussu editum a Benedicto XIV et Leone XIII. Pont. Max.' (Ratisbonae, Romae, etc. 1908)." "Bischofsweihe S.E. Mgr. Moises Carmona und S.E. Mgr. Adolfo Zamora in Toulon am 17 Oktober 1981; Konsekrator: S.E. Mgr. Pierre Martin Ngô-dinh-Thuc: nach dem 'Pontificale Romanum' (Ratisbonae, Romae, etc. 1908, S. 520 ff).

[14] Clarence Kelly, et al., Interview with Dr. Kurt Hiller, Munich, February 1988, *passim*.

[15] Eberhard Heller, "Eidesstattliche Erklärung zu den Bischofsweihen von I.E. Mgr. M.L. Guérard des Lauriers, Mgr. Moises Carmona und Mgr. Adolfo Zamora," *Einsicht* 21 (July 1991), 47. "Um noch bestehende Zweifel an den von S.E. Mgr. Pierre Martin Ngo-dinh-Thuc gespendeten Bischofsweihen. die z.B. von bestimmten Personen und Gruppen in den U.S.A. geäußert werden, und weil seine Excellenz inzwischen verstorben ist, er sich also dazu selbst nicht mehr äußern kann, erkläre ich an Eides statt, da ich den betreffenden Konsekrationen durch Mgr. Ngo-dinh-Thuc persönlich beiwohnte: Ich bezeuge, daß S.E. Mgr. M.L. Guérard des Lauriers O.P. am 7.Mai 1981, I.E. Mgr. Moises Carmona und Mgr. Adolfo Zamora am 17 Oktober 1981 in Toulon/ Frankreich von S.E. Mgr. Pierre Martin Ngo-dinh-Thuc zu Bischöfen der hl. katholischen Kirche geweiht wurden. Die Konsekrationen erfolgten nach dem 'Pontificale Romanum' (Rom 1908). Mgr. Ngo-dinh-Thuc spendete die Weihen im Vollbesitz seiner geistigen Kräfte und in der Absicht, der Kirche aus ihrer Notsituation herauszuhelfen, die er in seiner 'Declaratio' über die Sedisvakanz vom 25. Februar 1982 präzisierte. München, den 10. Juli 1991. E. Heller."

[16] Ratzinger to Thuc, Letter 1 February 1983. "Après le délai nécessaire à une enquête fondée, la S. Congrégation pour la Doctrine de la Foi a pu s'assurer qu'au moins depuis 1981… vous avez également conféré… l'ordination épiscopale au religieux français M.L. Guérard des Lauriers, OP, ansi qu'aux prêtres mexicains Moises Carmona et Adolfo Zamora."

[17] S.C. Pro Doctrina Fidei, Notificatio 12 March 1983, *Acta Apostolicae Sedis* (April 1983).

[18] *L'Osservatore Romano*, English edition, 24 December 1984.

[19] *Sodalitium* 4 (May 1987), 24. "Affermo che questa Consecrazione è *valida*… Atteso che: 1) il rito tradizionale è stato integralmente osservato (fatto eccezione della lettura del 'mandato romano'!): 2) Mons. Thuc ed io avevamo l'intenzione di fare ciò che fa la Chiesa." His emphasis.

[20] Joseph F. Collins, Notes of Interview with Guérard, La Charité (France), August 1987.

[21] Clarence Kelly, et al., Interview with Noël Barbara, Greenwich CT, May 1990.

[22] See J. McHugh & C. Callan, *Moral Theology*, New York: Wagner 1929), 1:643. "Judgments are *morally* certain, when error is impossible according to what is customary among mankind, the opposite of what is held by the mind being so unlikely that it would be imprudent to be moved by it."

* *Adnotatio editoris*: Ne quid a devotis etiam rudis lectoribus celeretur, auctor reverendus planum facit se dicere fabulam, latius in Statibus Foederatis Americae ab ephemeridibus aliis sordidis diffusam, quod E. Presley, citharoedum ac divum populo gratissimum (qui «Rex»

appellabatur et obiit circa idibus Augusti, anno MCMLXXVII), non vero obiisse, sed vivit jam, quasi in occulto, interdum tamen se videndum praestans, praesertim uxoribus tabernas aromatarias frequentibus — exemplum immo vividum, etiamsi nimirum ab auctoribus probatis haud hucusque citatum.

[23] McHugh & Callan, 1:645.

[24] J. Nabuco, *Pontificalis Romani Expositio Juridico-Practica* (New York: Benziger 1945), 1:218.

[25] For validity, it is not even necessary that the bishop get all the words exactly right, as long as he does not change the meaning substantially. See E. Regatillo, *Jus Sacramentarium* (Santander: Sal Terrae 1949), 873.

[26] Wanenmacher, 408.

[27] Wanenmacher, 500. “Similarly when the fact of baptism has been established, but the validity remains doubtful, there is a general presumption in favor of validity. This is especially true of Catholic baptism, and the presumption is elided only by a strict proof to the contrary.”

[28] Wanenmacher, 411. “Under the Code marriage has the favor of law: hence when there is a doubt, we must hold to the validity of the marriage until the contrary is proved (c. 1014).”

[29] S. Woywood, *Practical Commentary on the Code of Canon Law* (New York: Wagner 1952), 1905. “A sacred order is presumed valid until its invalidity is established by proof to the effect that it was received with want of intention on the part of the petitioner.”

[30] L. Fanfani, *Manuale Theorico-practicum Theologiae Moralis* (Rome: Ferrari 1949), 4:50. “E contra minister qui leviter tantum aut negative tantum, dubitat, de bona administratione alicuius sacramenti, e.g. non recordatur se verba formae pronuntiasse, nil repetere debet, quinimmo peccat si facit: omne enim factum, supponendum est rite factum, nisi positive constet contrarium.” My emphasis.

[31] P. Gasparri, *Tractatus de Sacra Ordinatione* (Paris: Delhomme 1893), 1:970. “…tum quia actus, praesertim adeo solemnis qualis est ordinatio, habendus est ut validus, donec invaliditas non evincatur.”

[32] B. Merkelbach, *Summa Theologiae Moralis* (Bruges: Desclée 1962) 3:165. “Ubi ergo persona omnino seria, etiam mera obstetrix, quae sit fide digna, circumspecta, et in ritu baptizandi instructa, assereret infantem a se rite baptizatum esse, non esset cur de valore Baptismi serio dubitaretur;.....”

[33] U. Beste, *Introductio In Codicem* (Collegeville MN: St. John’s 1946), 951. “Hinc ordines collati ab episcopis schismaticis ecclesiae orientalis, iansenistis in Batavia (Hollandia), veterum catholicorum in Germania et Helvetia, validi habendi sunt, nisi in casu particulari vitium essentiale admissum fuerit.”

[34] P. Laghi [to E. Berry], Letter 28 September 1988. “In response to your inquiry of September 23, 1988, the episcopal ordination of Guerard des Lauriers, while valid, was gravely illicit.”

[35] B. Leeming, *Principles of Sacramental Theology* (Westminster md: Newman 1956), 482. "This principle is affirmed as certain theological doctrine, taught by the Church, to deny which would be theologically rash… *the minister is presumed to intend what the rite means*.." His emphasis.

[36] Bull *Apostolicae Curae*, 13 September 1896. "Iamvero quum quis ad sacramentum conficiendum et conferendum materiam formamque debitam serio ac rite adhibuit, eo ipso censetur id nimirum facere intendisse quod facit Ecclesia."

[37] *Tractatus de Sacra Ordinatione*, 1:970. "Proinde numquam praesumitur ministrum talem intentionem *non ordinandi* habuisse in ordinatione peragenda, donec contrarium non probetur; tum quia nemo praesumitur malus, nisi probetur…" His emphasis. The foregoing principles likewise defeat the arguments of those who believe that Lefebvre's consecrator, Lienart, was a Mason (a phony charge) and thus that Lefebvre's ordinations are "doubtful."

[38] M. Conte a Coronata, *De Sacramentis: Tractatus Canonicus* (Turin: Marietti 1943) 1:56. "Virtualis enim intentio, ut iam vidimus, est intentio ipsa actualis quae cum distractione operatur. Talis intentio certe habetur in eo qui de more ponit actiones sacramentales."

[39] "Eidesstattliche Erklärung…," *loc. cit.*, "Mgr. Ngo-dinh-Thuc spendete die Weihen im Vollbesitz seiner geistigen Kräfte."

[40] Collins, Guérard Interview Notes.

[41] *Sodalitium* 4 (May 1987), 24. "Atteso che… Mons. Thuc ed io avevamo l'intenzione di fare ciò che fa la Chiesa."

[42] Conference, Cincinnati, 13 December 1991.

[43] Joseph Collins, Notes of Interview with Noël Barbara, November 1989.

[44] Declaration 19 December 1981, reprinted in *Einsicht* (March 1982).

[45] Declaration 25 February 1982. The text was transcribed and reprinted in *Einsicht* (March 1982).

[46] Thuc to Guérard, undated letter [early 1982]. "Excellentissime Domine: Recepi litteras tuas tantum his diebus, quia non sum in urbe Toulon jam ab uno mense. In illa epistola, voluisti cognoscere utrum concelebravi, anno praeterito, in die quinta Sanctae hebdomadae cum Episcopo hujus diocesis. Utique, cum illo Episcopo celebravi, quia illa die non potui celebravi in meo domo secundum legem Ecclesiae. Tu dixisti quod ego commisi peccatum, quia secundum te, Missa illius episcopi erat invalida. Spero quod Deus non me judicavit ita crudeliter, quia erravi in bona fide. + P.M. Ngô-dinh-Thuc."

[47] The recipient of the sacrament, his diocesan ordinary, and the ordinary of the diocese where the sacrament was conferred. See Canon 1994.1. "Validitatem sacrae ordinationis accusare valet clericus peraeque ac Ordinarius cui clericus subsit vel in cuius diocesi ordinatus sit."

[48] See Cappello 4:683. "Aliae personae extraneae procul dubio jure accusandi carent."

[49] *De Synodo Diocesana* 13.13.7. "Et utroque casu aliquid desideratur, quod ad ejusdem actus solemnitatem, et praescriptorum rituum observantiam pertinet; quandoquidem in prima facti specie deest duorum Antistitum praesentia a sacris canonibus statuta; in altera vero desideratur praesentia duorum Sacerdotum, quos Pontifex adhibendos voluit."

[50] Z. Zitelli, *Apparatus Juris Ecclesiastici* (Rome: 1888), 23. "Siquando necessitas postulet vel impossibilitas adsit tres habendi Episcopos, Romani Pontificis erit indulgere ut consecratio ab uno fiat Episcopo cum assistentia duorum Sacerdotum, qui in dignitate ecclesiastica constituti sint, vel etiam a solo Episcopo absque ulla assistentia, ut saepe usuvenit in locis sacrarum missionum."

[51] S. Many, *Praelectiones de Sacra Ordinatione* (Paris: Letouzey 1905), 519. "Alexander VII, brevi *Onerosa,* 4 Feb. 1664, concessit ut aliqua episcopalis ordinatio, apud Sinas, fieret ab uno tantum episcopo, cum assistentia duorum presbyterorum, et etiam, si opus esset, sine illorum assistentia."

[52] Brief *Decet Romanum*, 23 December 1673, 3. The Pontiff specifically confirmed the privileges granted by Alexander VII, among them, performing the "…munus consecrationis cum assistentia aliorum duorum presbyterorum, etiamsi non essent episcopi, nec in ecclesiastica dignitate constituti, si adessent, sin minus, etiam sine illorum assistentia…"

[53] Brief *Exigit Pastoralis*, 22 July 1798. "…munus consecrationis cum adsistentia aliorum duorum presbyterorum, etiamsi non sint Episcopi, nec in ecclesiastica dignitate constituti, si adfuerint, sin minus etiam sine illorum assistentia…"

[54] J. McHugh, *The Casuist* (New York:Wagner 1917), 5:241.

[55] P. Lesourde, *Le Jésuite Clandestine: Mgr. Michel d'Herbigny* (Paris: Lethielleux), 70. In the account of his secret consecration, Mgr. d'Herbigny writes: "Le Nonce expliqua que Rome lui avait d'abord prescrit d'être seul avec le Père d'Herbigny. Il avait fait valoir que, sans la présence d'au moins un assistant, la céremonie lui semblait irréalisable, ne serait-ce que pour maintenir le Missel sur les épaules du consacré."

[56] See Lesourde, 76ff.

[57] D. Bouix, *Tractatus de Episcopo* (Paris: Ruffet 1873), 1:243. "Sed etiamsi fiat consecratio absque ullis assistentibus, et absque obtenta Pontificia dispensatione, adhuc valida erit."

[58] E. Regatillo, *Interpretatio et Jurisprudentia Codicis J.C.* (Santander: Sal Terrae 1953), 465. "Unus episcopus sufficit ad validitatem consecrationis, dummodo ritum essentialem cum debita intentione ponat. Idque etsi sine pontificia dispensatione *unicus* sit qui consecrationi intersit." My emphasis.

[59] Brief *Alias*, 27 February 1660. "Quantum spectat ad sacramentum et impressionem characteris fuisse validam."

[60] *De Synodo Diocesana* 13.13.9-10. "…*consecrationem hujusmodi validam, licet illicitam, esse censuerunt*… ratam firmamque, sed illicitam Consecrationem pronuntiavit." Benedict's emphasis, quoting Clement's decree of 26 November 1718.

[61] Cappello, 1:36. “In ministro non requiritur nec status gratiae, nec vitae probitas, imo nec ipsa fides, ad *validam* sacramentorum confectionem vel administrationem. Haec est veritas catholica de fide.” His emphasis.

Abp. Thuc: A Brief Defense

Most. Rev. Daniel L. Dolan

NOTE: The following comments are excerpts from a conference Bishop Dolan originally delivered in French at the École Saint-Joseph, Serre-Nerpol, Isère (France), October 17, 1999.

The bishop addressed various false accusations the Society of St. Pius X had spread against him in France, including the accusation that his episcopal consecration was "invalid," since it derived from Archbishop P.M. Ngo-dinh-Thuc, former Archbishop of Hué, Vietnam.

* * *

The second point: **The accusation that my orders are not valid comes from those who never knew Abp. Thuc**, but take it upon themselves to judge his mental state nonetheless. They imagine that, because he did some imprudent things, he could not have been in his right mind. But this is not true.

The proper response to this is to prove by *eyewitness testimony* that Abp. Thuc was in his right mind at the time of the consecrations of Bp. Guérard des Lauriers, and a little later of Bp. Zamora and Bp. Carmona, from whom I derive my episcopal consecration.

There is overwhelming evidence both from eyewitnesses who knew him at the time, and from the actions that he himself performed,

that Archbishop Thuc was perfectly lucid when he did the consecrations of Bishop Guérard des Lauriers in May of 1981, and of Bishops Zamora and Carmona in October of 1981.

It is true that Archbishop Thuc ordained and consecrated some unworthy persons. It is true that he exercised poor judgment with regard to his selection of priestly and episcopal candidates. This fact, however, does not prove or even suggest lack of lucidity; it only shows poor judgement.

We might also point out that Abp. Lefebvre made some very poor judgments about whom to ordain.

Furthermore, it does not follow that, because someone acts inconsistently or erratically, he is therefore senile or incapable of valid sacraments.

Archbishop Lefebvre acted very erratically in 1987 and 1988. In August of 1987, he referred to John Paul II as an antichrist, but in May of 1988 signed the protocol in which he submitted to him as Vicar of Christ. The very next day, he went back on the protocol which he had just signed. One of the reasons he offered to the Vatican for proceeding with the consecrations without their permission was that "the tents had been rented." On June 15th, 1988 Archbishop Lefebvre gave a press conference in which he said that John Paul II was not Catholic, was excommunicated, was outside of the Church, but was the head of the Church. On June 16th, he told a reporter that he would change his mind if John Paul II - who the day before was not even a Catholic - would approve of his four bishops. Yet he was completely in his right mind.

To claim that inconsistency or erratic behavior invalidate a sacrament is to manifest a profound ignorance of the fundamental principles of sacramental theology.

The only type of mental state that is invalidating is one in which the minister does not know what he is doing. For example, if, through senility, a priest does not know where he is or what sacrament he is performing, it would be invalid.

Such is not the case with Archbishop Thuc, as there are both eyewitnesses and facts which attest unquestionably to his lucidity.

A. Evidence of Eyewitnesses

What is the evidence of the eyewitnesses who knew Archbishop Thuc?

1. **Dr. Hiller and Dr. Heller.** These are the two German eyewitnesses of both these consecrations. They knew Archbishop Thuc intimately, having seen him regularly when the Archbishop resided in Munich for a number of months. They have both testified *under oath, one in writing, the other orally, with God as their witness,* that Archbishop Thuc was in full command of his faculties when he performed the above mentioned consecrations. These laymen are well-educated, intelligent, and alert; there is absolutely no reason to doubt their veracity or their ability to judge the Archbishop's state of mind.

2. **Fr. Noël Barbara.** Fr. Barbara went to see Archbishop Thuc in the Spring of 1981 and then again in January 1982. He thus saw him both before and after the consecrations. Fr. Barbara has *sworn, in writing, with God as his witness,* that both times he found Archbishop Thuc to be in full use of his mental faculties, and that he answered the questions put to him about the consecrations clearly. Fr. Barbara also wrote, immediately after the January visit, notes concerning his conversation with Archbishop Thuc. These notes reflect the clear mind of the Archbishop, as he answered questions with clarity and distinct memory.

3. **Fr. Gustave Delmasure.** This priest, who was a well-respected traditional priest in France, former pastor of a parish in Cannes, went to see Archbishop Thuc in March of 1982. He has given sworn testimony, *with God as his witness,* that he found Archbishop Thuc to be in his right mind, and that he responded to his questions with swiftness and clarity.

4. **Bishop Guérard des Lauriers.** In a personal interview with Fr. Joseph Collins, Bishop Guérard des Lauriers, who himself had been

consecrated in May, 1981 by Archbishop Thuc, attested to the fact that the Archbishop was in his right mind. He said that the rite of consecration was followed integrally by Archbishop Thuc, and that he (Thuc) was of sound mind throughout the ceremony. (Bishop Guérard des Lauriers was a well-known Dominican theologian who taught at the Lateran University in Rome, and who advised Pope Pius XII on the definition of the dogma of the Assumption in 1950).

5. **Fr. Philippe Guépin.** Fr. Guépin is a traditional priest who says Mass for a large group in Nantes. He was ordained by Archbishop Lefebvre in 1977, and was asked to leave the Society of St. Pius X in 1980 because he refused to recognize John Paul II as pope. He knew Archbishop Thuc at Ecône, and had prolonged conversations with him. He has attested that Archbishop Thuc was in his right mind.

6. **Fr. Bruno Schaeffer,** who was ordained by Abp. Thuc in 1982 (*after* the episcopal consecrations) told Fr. Guépin that Abp. Thuc was completely in his right mind, and that he observed the rite of ordination perfectly.

7. **Eyewitnesses who saw him and knew him in Rochester, New York,** where Abp. Thuc stayed in 1983 and 1984, also attested to the fact that even at that time, shortly before his death in 1984, Abp. Thuc was in his right mind, and offered daily Mass.

Now we must ask ourselves: *are all these people liars?* All of these eyewitnesses say the same thing, even though they knew Abp Thuc at different times and in different circumstances. *Are they all lying?* It would be ridiculous to say such a thing.

Those who would have us believe, for whatever reason, that Archbishop Thuc was not lucid are telling us to conclude that all the eyewitnesses cited above are BOLD-FACED LIARS.

That would mean that faithful Roman Catholic priests, some of them ordained for fifty years or more, and who have labored for the salvation of souls their whole lives, are LIARS, calling down the authority of God to witness to their wicked lies. This they would do

shortly before they go to God for judgement, and in such important a matter as an episcopal consecration.

This supposition is absurd and very uncharitable. There is no better testimony than that of sworn eyewitnesses. No one can reasonably fault someone for taking the word of reliable sworn eyewitnesses.

I remind you that the classic, time-tested, and universal way in which to establish a fact is the *sworn eyewitness testimony* of reliable witnesses. It is the way in which every court of law determines the fact of crime or innocence. Based on such testimony, human beings are either exonerated or condemned, sometimes to death.

The law courts of the Catholic Church operate on the sworn testimony of reliable witnesses.

Most importantly, our Blessed Lord sanctioned the practice with divine approval: *And if he will not hear thee, take with thee one or two more, that in the mouth of two or three witnesses every word may stand.* (Matthew 18:16) And in the Gospel of Saint Mark, Our Lord upbraids the disciples for not having believed the witnesses of his resurrection. (Mark 16:14).

B. Evidence of Facts.

What is the evidence of the facts which attest to Archbishop Thuc's lucidity?

1. **The fact that Archbishop Thuc functioned publicly in his right mind at the time of the consecrations.** This is attested to by the German witnesses, Dr. Hiller and Dr. Heller. The Archbishop spent a few months in Munich where he said Sunday Masses, and was able to be observed by all. It was noted by them that he said the traditional Mass very carefully with close attention to the rubrics. He also gave public lectures in Mexico after the consecration of the Mexican bishops.

2. **The fact that Archbishop Thuc wrote in his own hand, with strong, forceful handwriting, a consecration certificate , letters,**

and other declarations both in Latin and in French. One who is not in his right mind could not sit down and write in a coherent manner, particularly in Latin.

3. **The fact that Archbishop Thuc had a clear and vivid memory of the consecrations** in his conversations with Fr. Barbara. One of these conversations is related in notes which Fr. Barbara took just after the interview. In it the Archbishop remembered not only having consecrated the two Mexican priests, Frs. Zamora and Carmona, but even commented that Fr. Carmona spoke much better Latin than Fr. Zamora. He also testified to his having consecrated Fr. Guérard des Lauriers, and included details about him. Such clear memory about specific events and names is proof that the Archbishop was in his right mind at the time of the consecrations, and at the time of his speaking to Fr. Barbara.

4. **The fact that the Vatican excommunicated Archbishop Thuc.** Everyone knows that if someone is not in his right mind, he is incapable of committing a crime, and therefore incapable of being censured. The fact that the Vatican, after a thorough investigation, excommunicated Archbishop Thuc for having done these consecrations is a sign that they considered him to be in his right mind. If they had found him in an impaired mental state, they would have made this fact public, and repudiated the consecrations as invalid. Indeed, the very fact that that they excommunicated him is an admission, legally, that the consecrations were valid. For it is a principle of law that censures are not incurred if the act is invalid. "Besides," says the canonist Augustine, "it is generally held that the order must have been received *validly,* and therefore the penalty would not follow if, for instance, a Protestant bishop would confer an order." [*A Commentary on the New Code of Canon Law,* Volume VIII, p. 449].

The Vatican clearly concedes the validity of the consecrations in the very document of excommunication. In stating that it will not give the bishops consecrated by Archbishop Thuc the legal status of bishops, adds "quidquid est de ordinum validitate," which properly translated means, "however valid the orders may be." The phrase concedes the validity, since the indicative mood is used in Latin, which always indicates a statement of fact, and not of doubt.

This recognition of validity is further attested to by the fact that two Apostolic Delegates, one in Mexico in 1983 and one in the United States in 1988, called the consecrations of Archbishop Thuc "valid but illicit." They would never have said such a thing if the Vatican did not have that position.

Even Bishop Richard Williamson, the Rector of the seminary of the Society of St. Pius X in the United States, has told members of the laity that he regards my episcopal consecration as valid. (Letter 10/21/93.)

C. Some Objections

1. Scandal. But some have objected that even if these consecrations are valid, we should avoid them because of the scandals of Archbishop Thuc. But this is not true.

In the first place, Archbishop Thuc is dead, and his sins have died with him. His sins, whatever they may have been, are not transferred to those whom he consecrated. Each bishop must be judged on his own merits, and not on the virtues or vices of him who consecrated him. The saintly Cardinal Merry del Val, the Secretary of State of St. Pius X, was consecrated by Cardinal Rampolla, who was a freemason. Does that mean that Cardinal Merry del Val was scandalous? Of course not.

In any case Canon Law permits the faithful to approach even the *excommunicated* clergy, in case of necessity, for sacraments. (Canon 2261 § 2). What interests us about Archbishop Thuc, then, is not his sins or poor judgement, but (1) the fact that he performed these consecrations, (2) the fact that he used the traditional rite, (3) the fact that he was in his right mind. But all these things are attested to by document and reliable and even sworn eyewitness testimony.

2. Bad Bishops. But they further object that the fruits of Archbishop Thuc are bad, alleging that he gave birth to a whole set of bad bishops.

I respond that the mere fact of tracing your orders to Archbishop Thuc does not mean that you participate in his sins or shortcomings. It is not like you belong to some organization of "Thuc Bishops." Anyone who traces his orders to Archbishop Thuc is not automatically associated with all those whom Archbishop Thuc ordained or consecrated - any more than a bishop consecrated by Archbishop Lefebvre would participate in the sins of Cardinal Liénart, who consecrated Archbishop Lefebvre, but who was one of the worst modernists at Vatican II.

There is a single thing that matters here, and that is that Archbishop Thuc performed episcopal consecrations which are valid. From these valid consecrations, valid and responsible Catholic bishops are available to us in order to give us priests.

D. Why Turn to Archbishop Thuc?

I would like to add that Abp. Thuc had many virtues which should not be neglected. He was the only bishop who had the courage to denounce publicly John Paul II as a false pope. He also said Mass very devoutly, and was known to hear confessions for many hours at a time, even in very old age.

But the only reason why we have had to turn to Thuc in any case was that he was willing to consecrate bishops who would preserve the true Catholic position with regard to Vatican II and the modernist "popes." If the Society of St. Pius X had stayed on the right path, my consecration would not have been necessary, and we would be working side by side with them.

But it has been unfortunately necessary to break from the Society of St. Pius X, because their positions are inconsistent and therefore erroneous. Furthermore, they espouse doctrines and attitudes towards the authority of the Church and the magisterium which are not compatible with the Catholic Faith.

Contact: St. Gertrude the Great Church, 4900 Rialto Road, West Chester OH 45069, 513.645.4212, www.sgg.org

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THE LIGHT OF FAITH IS STILL BURNING

Bp. Williamson on the validity of Bp. Dolan's consecration

Most Rev. Richard Williamson

Saint Thomas Aquinas Seminary
Rural Route 1, Box 97 A-1
Winona, Minnesota 55987

10-21-93

Dear Mr. Padula,

Thankyou for this letter, as for the ~~booklet~~ by Fr. Cekada on the Three Consecrations which I had seen.

I think that Fr. Cekada's arguments are good

such that I agree with him and not with Fr Kelly or Fr. Jenkins as to the VALIDITY of the up-coming consecration.

However, one must distinguish validity from liceity, or lawfulness. A consecration can be valid, but unlawful like eating a stolen apple. The eating is valid. ~~it satisfies~~ my hunger, but if the apple was stolen then the eating is unlawful.

Is the up-coming consecration lawful? Answer if (a) the Cincinnati operation of these priests is lawful and if (b) they need a bishop imperatively, then the consecration would be lawful.

But as to (a), these Cincinnati priests are not ordinary Traditional priests, they were Society of St. Pius X priests who broke with Society of St. Pius X positions to take up harsh and unCatholic positions out of line at any rate with Archbishop Lefebvre's thinking. Yet the future bishop on the flyer advertising his consecration leads one to think there was no such split with the Archbishop. Conclusion: the Cincinnati priests' operation is doubtfully lawful.

As to (b), if their operation is doubtfully lawful, then a consecration is at best doubtfully necessary.

Conclusion: however much it would interest you to attend a consecration, you would best stay away from a doubtfully Catholic occasion.

I hope this answers your question.

Sincerely yours in Christ, +Richard Williamson

Transcript of Bp. Williamson's letter:

10-21-93

Dear Mr. Padula,

Thank you for this letter, as [well as] for the booklet by Fr. Cekada on the Thuc Consecrations, which I had seen.

I think that Fr. Cekada's arguments are good, such that I agree with him and not with Fr. Kelly or Fr. Jenkins as to the VALIDITY of the up-coming consecration.

However, one must distinguish validity from licitly or lawfulness. A consecration can be valid, but unlawful, like eating a stolen apple. The eating is valid; it satisfies my hunger, but if the apple was stolen, then the eating is unlawful.

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I hope this answers you question.

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+ Richard Williamson

Free Info Packet

We can send you a free packet containing information about the traditional Mass, the Vatican II changes and the traditionalist movement.
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THE LIGHT OF FAITH IS STILL BURNING

Articles: Thuc, Abp.

Consecration certificate written in Abp. Thuc's own hand

Archbishop Thuc

L'Archevêque Pierre Martin NGO-DINH-THUC

22, rue Garibaldi

83000 TOULON (France)

Tél. (94) 93.16.75

Nos, Petrus Martinus
Ngô-dinh-Thuc, archiepiscopus
titularis Bullae Regiae, notum
facimus omnibus: die 17a
mensis octobris anni 1981,
nos contulisse Domino Moisi
Carmona Rivera dignitatem
episcopalem ecclesiae catholicae
cum omnibus juribus ad hanc
dignitatem pertinentibus.

Datum die 18a mensis octobris
anni Dni 1981.

+ Petrus Martinus Ngô-dinh-Thuc

Testes oculares erant
Domini Doctori Kurt Hiller
et Doctori Eberhard Heller

Dr. Kurt Hiller
Dr. E. Heller

Translation of handwritten certificate issued by Archbishop Thuc

"We, Peter Martin Ngô-dinh-Thuc, Titular Archbishop of Bulla Regia, give notice of the following to all: on the 17th day of the month of October, in the year 1981, we conferred the episcopal rank of the

Catholic Church on Father Moses Carmona Rivera, with all rights pertaining to said rank.

"Given on the 18th day of the month of October, in the year of Our Lord 1981.

"[signature] **+Peter Martin Ngô-dinh-Thuc**

"The eyewitnesses were:

"Doctor Kurt Hiller and Doctor Eberhard Heller

"[signature] **Dr. Kurt Hiller**

"[signature **] Dr. E. Heller.**"

traditionalmass.org
THE LIGHT OF FAITH IS STILL BURNING

Articles: Thuc, Abp.

Pius XII, Excommunication, and Traditional Catholic Bishops

Rev. Anthony Cekada

CONTROVERSIALISTS have sometimes invoked a 1951 decree and a 1958 encyclical of Pius XII against various traditional Catholic bishops, including those consecrated by Abp. P.M. Ngo-dinh-Thuc.

The two documents excommunicated certain Chinese bishops whose consecrations the Red Chinese government had arranged in order to set up a stooge hierarchy in China under Communist control.

The 9 April 1951 Decree establishing the automatic penalty of excommunication for the consecration of a bishop reads as follows:

"Decree concerning the Consecration

of a Bishop without Canonical Appointment.

"The Supreme Sacred Congregation of the Holy Office, in virtue of a special faculty established for it by the Supreme Pontiff, publishes the following Decree:

"A Bishop, of whatever rite or dignity, who consecrates as a Bishop someone who is neither nominated by the Holy See nor expressly confirmed by that same See, and he who receives consecration, even if coerced by grave fear (c.229, §3, 3), incur *ipso facto* [automatically] excommunication most especially reserved to the Apostolic See.

This Decree takes effect from the date of its promulgation.

Those who have attempted to invoke this decree in our own circumstances seem to have confused two things:

1. The **mandatum:** the papal document **granting permission for the consecration** of a bishop who will serve as a bishop in **any capacity**, including as an auxiliary or titular bishop, and

2. The **canonical appointment:** a papal decree **designating a bishop as Ordinary** (or "residential bishop") of a **duly constituted diocese**, which appointment auxiliary and titular bishops did *not* receive.

The canonist Fr. Eduardo Regatillo, in his *Institutiones Juris Canonici* (Santander: Sal Terrae 1956), 2:600, states that the 1951 decree affects only bishops consecrated without papal appointment to be **heads of dioceses.**

"Anyone who is to be promoted to the episcopacy needs the canonical appointment by which he is constituted Bishop of a such a vacant diocese.

"In practice, it may be doubted whether only those who are to be consecrated *residential* Bishops are affected - that is, those who are

consecrated for a diocese now in existence - or also *titular* bishops (who are created for an extinct see or diocese), or bishops who are consecrated for no diocese.

"From the purpose intended by the Holy Office, the decree appears to cover only those who are consecrated as **residential bishops**, for this is the actual case which the Holy See intends to condemn..

"This new type [of offense] differs from the one mentioned in canon 2370, where the canon refers to consecrations performed **without apostolic mandate** (described in canon 953). The new decree, on the other hand, punishes consecrations performed **without pontifical appointment**.

"An **appointment** designates the person and bestows the title [to an office]. A **mandate** grants the permission to confer the consecration."

Regatillo's interpretation is confirmed a reading of Pius XII's encyclical (reproduced below), especially paragraphs 45-48.

No traditional Catholic bishop - at least none of our acquaintance - has been consecrated to the episcopacy and then received illegal designation and title to a diocese established by the Roman Pontiff.

Traditional Catholic bishops are consecrated for *no* diocese. One cannot claim, therefore, that the 1951 Decree applies to them.

Ad Apostolorum Principis

His Holiness Pope Pius XII

Encyclical on Communism and the Church in China

June 29, 1958

To Our Venerable Brethren and Beloved Children, the Archbishops, Bishops, other Local Ordinaries, and Clergy and People of China in Peace and Communion with the Apostolic See.

Venerable Brethren and Beloved Children, Greetings and Apostolic Benediction.

At the tomb of the Prince of the Apostles, in the majestic Vatican Basilica, Our immediate Predecessor of deathless memory, Pius XI, duly consecrated and raised to the fullness of the priesthood, as you well know, "the flowers and . . .. latest buds of the Chinese episcopate."[1]

2. On that solemn occasion he added these words: "You have come, Venerable Brethren, to visit Peter, and you have received from him the shepherd's staff, with which to undertake your apostolic journeys and to gather together your sheep. It is Peter who with great love has embraced you who are in great part Our hope for the spread of the truth of the Gospel among your people."[2]

3. The memory of that allocution comes to Our mind today, Venerable Brethren and dear children, as the Catholic Church in your fatherland is experiencing great suffering and loss. But the hope of our great Predecessor was not in vain, nor did it prove without effect, for new bands of shepherds and heralds of the Gospel have been joined to the first group of bishops whom Peter, living in his Successor, sent to feed those chosen flocks of the Lord.

4. New works and religious undertakings prospered among you despite many obstacles. We too shared that hope when later We had the pleasure of establishing the hierarchy in China and saw yet wider paths opening up for the spread of the Kingdom of Jesus Christ.

5. But, alas, after a few years the sky was overcast by storm clouds. On your Christian communities, many of which had been flourishing from times long past, there fell sad and sorrowful times. Missionaries, among whom were many archbishops and bishops noted for their apostolic zeal, and Our own Internuncio were driven from China, while bishops, priests, and religious men and women, together with many of the faithful, were cast into prison or incurred every kind of restraint and suffering.

6. On that occasion We raised Our voice in sorrow, and, in Our Encyclical of January 18, 1952, *Cupimus imprimis,[*3] rebuked the unjust attack. In that letter, for the sake of truth and conscious of Our duty, We declared that the Catholic Church is a stranger to no people on earth, much less hostile to any. With a mother's anxiety, she embraces all peoples in impartial charity. She seeks no earthly advantage but employs what powers she possesses to attract the souls of all men to seek what is eternal. We also stated that missionaries promote the interest of no particular nation; they come from every quarter of the earth and are united by a single love, God, and thus they seek and hope for nothing else save the spread of God's kingdom. Thus, it is clear that their work is neither without purpose nor harmful, but beneficent and necessary since it aids Chinese priests in their Christian apostolate.

7. And some two years later, October 7, 1954, another Encyclical Letter was addressed to you, beginning *Ad Sinarum gentem*,[4] in which We refuted accusations made against Catholics in China. We openly declared that Catholics yielded to none (nor could they do so) in their true loyalty and love of their native country. Seeing also that there was being spread among you the doctrine of the so-called "three autonomies," We warned - by virtue of that universal teaching

authority which We exercise by divine command - that this same doctrine as understood by its authors, whether in theory or in its consequences, cannot receive the approval of a Catholic, since it turns minds away from the essential unity of the Church.

8. In these days, however, We have to draw attention to the fact that the Church in your lands in recent years has been brought to still worse straits. In the midst of so many great sorrows it brings Us great comfort to note that in the daily attacks which you have met neither unflinching faith nor the most ardent love of the Divine Redeemer and of His Church has been wanting. You have borne witness to this faith and love in innumerable ways, of which only a small part is known to men, but for all of which you will someday receive an eternal reward from God.

9. Nevertheless We regard it as Our duty to declare openly, with a heart filled to its depths with sorrow and anxiety, that affairs in China are, by deceit and cunning endeavor, changing so much for the worse that the false doctrine already condemned by Us seems to be approaching its final stages and to be causing its most serious damage.

10. For by particularly subtle activity an association has been created among you to which has been attached the title of "patriotic," and Catholics are being forced by every means to take part in it.

This association - as has often been proclaimed - was formed ostensibly to join the clergy and the faithful in love of their religion and their country, with these objectives in view: that they might foster patriotic sentiments; that they might advance the cause of international

peace; that they might accept that species of socialism which has been introduced among you and, having accepted it, support and spread it; that, finally, they might actively cooperate with civil authorities in defending what they describe as political and religious freedom. And yet - despite these sweeping generalizations about defense of peace and the fatherland, which can certainly deceive the unsuspecting - it is perfectly clear that this association is simply an attempt to execute certain well defined and ruinous policies.

11. For under an appearance of patriotism, which in reality is just a fraud, this association aims primarily at making Catholics gradually embrace the tenets of atheistic materialism, by which God Himself is denied and religious principles are rejected.

12. Under the guise of defending peace the same association receives and spreads false rumors and accusations by which many of the clergy, including venerable bishops and even the Holy See itself, are claimed to admit to and promote schemes for earthly domination or to give ready and willing consent to exploitation of the people, as if they, with preconceived opinions, are acting with hostile intent against the Chinese nation.

13. While they declare that it is essential that every kind of freedom exist in religious matters and that this makes mutual relations between the ecclesiastical and civil powers easier, this association in reality aims at setting aside and neglecting the rights of the Church and effecting its complete subjection to civil authorities.

14. Hence all its members are forced to approve those unjust prescriptions by which missionaries are cast into exile, and by which bishops, priests, religious men, nuns, and the faithful in considerable numbers are thrust into prison; to consent to those measures by which the jurisdiction of many legitimate pastors is persistently obstructed; to defend wicked principles totally opposed to the unity, universality, and hierarchical constitution of the Church; to admit those first steps by which the clergy and faithful are undermined in the obedience due to legitimate bishops; and to separate Catholic communities from the Apostolic See.

15. In order to spread these wicked principles more efficiently and to fix them in everyone's mind, this association - which, as We have said, boasts of its patriotism - uses a variety of means including violence and oppression, numerous lengthy publications, and group meetings and congresses.

16. In these meetings, the unwilling are forced to take part by incitement, threats, and deceit. If any bold spirit strives to defend truth, his voice is easily smothered and overcome and he is branded with a mark of infamy as an enemy of his native land and of the new society.

17. There should also be noted those courses of instruction by which pupils are forced to imbibe and embrace this false doctrine. Priests, religious men and women, ecclesiastical students, and faithful of all ages are forced to attend these courses. An almost endless series of lectures and discussions, lasting for weeks and months, so weaken and benumb the strength of mind and will that by a kind of psychic coercion an assent is extracted which contains almost no human element, an assent which is not freely asked for as should be the case.

18. In addition to these there are the methods by which minds are upset - by every device, in private and in public, by traps, deceits, grave fear, by so-called forced confessions, by custody in a place where citizens are forcibly "reeducated," and those "Peoples' Courts" to which even venerable bishops are ignominiously dragged for trial.

19. Against methods of acting such as these, which violate the principal rights of the human person and trample on the sacred liberty of the sons of God, all Christians from every part of the world, indeed all men of good sense cannot refrain from raising their voices with Us in real horror and from uttering a protest deploring the deranged conscience of their fellow men.

20. And since these crimes are being committed under the guise of patriotism, We consider it Our duty to remind everyone once again of the Church's teaching on this subject.

21. For the Church exhorts and encourages Catholics to love their country with sincere and strong love, to give due obedience in accord with natural and positive divine law to those who hold public office, to give them active and ready assistance for the promotion of those undertakings by which their native land can in peace and order daily achieve greater prosperity and further true development.

22. The Church has always impressed on the minds of her children that declaration of the Divine Redeemer: "Render therefore to Caesar the things that are Caesar's and to God the things that are God's."[5] We call it a declaration because these words make certain and

incontestable the principle that Christianity never opposes or obstructs what is truly useful or advantageous to a country.

23. However, if Christians are bound in conscience to render to Caesar (that is, to human authority) what belongs to Caesar, then Caesar likewise, or those who control the state, cannot exact obedience when they would be usurping God's rights or forcing Christians either to act at variance with their religious duties or to sever themselves from the unity of the Church and its lawful hierarchy.

24. Under such circumstances, every Christian should cast aside all doubt and calmly and firmly repeat the words with which Peter and the other Apostles answered the first persecutors of the Church: "We must obey God rather than men."[6]

25. With emphatic insistence, those who promote the interests of this association which claims a monopoly on patriotism, speak over and over again of peace and admonish Catholics earnestly to exert all their efforts to establish it. On the surface these words are excellent and righteous, for who deserves greater praise than the man who prepares the way to introduce and establish peace?

26. But peace - as you well know, Venerable Brethren and beloved sons - does not consist of words alone and does not rely on changing formulas which are suitable for the moment but contradict one's real plans and practices, which do not conform with the meaning and way of true peace but with hatred, discord, and deceit.

27. Peace worthy of the name must be founded on the principles of charity and justice which He taught who is the "Prince of Peace,"[7] and who adopted this title as a kind of royal standard for Himself. True peace is that which the Church desires to be established: one that is stable, just, fair, and founded on right order; one which binds all together - citizens, families, and peoples - by the firm ties of the rights of the Supreme Lawgiver, and by the bonds of mutual fraternal love and cooperation.

28. As she looks forward to and hopes for this peaceful dwelling together of nations, the Church expects each nation to preserve that degree of dignity which becomes it. For the Church, which has ever kept a friendly attitude toward the various events in your country, long ago spoke through Our late Predecessor of happy memory and expressed the desire that "full recognition be given to the legitimate aspirations and rights of the nation, which is more populous than any other, whose civilization and culture go back to the earliest times, which has, in past ages, with the development of its resources, had periods of great prosperity, and which - it may be reasonably conjectured - will become even greater in the future ages, provided it pursues justice and honor."[8]

29. On the other hand, as has been made known by radio and by the press, there are some - even among the ranks of the clergy - who do not shrink from casting suspicion on the Apostolic See and hint that it has evil designs toward your country.

30. Assuming false and unjust premises, they are not afraid to take a position which would confine within a narrow scope the supreme teaching authority of the Church, claiming that there are certain questions - such as those which concern social and economic matters -

in which Catholics may ignore the teachings and the directives of this Apostolic See.

31. This opinion - it seems entirely unnecessary to demonstrate its existence - is utterly false and full of error because, as We declared a few years ago to a special meeting of Our Venerable Brethren in the episcopacy:

32. "The power of the Church is in no sense limited to so-called 'strictly religious matters'; but the whole matter of the natural law, its institution, interpretation and application, in so far as the moral aspect is concerned, are within its power.

33. "By God's appointment the observance of the natural law concerns the way by which man must strive toward his supernatural end. The Church shows the way and is the guide and guardian of men with respect to their supernatural end."[9]

34. This truth had already been wisely explained by Our Predecessor St. Pius X in his Encyclical Letter *Singulari quadam* of September 24, 1912, in which he made this statement: "All actions of a Christian man so far as they are morally either good or bad - that is, so far as they agree with or are contrary to the natural and divine law - fall under the judgment and jurisdiction of the Church."[10]

35. Moreover, even when those who arbitrarily set and defend these narrow limits profess a desire to obey the Roman Pontiff with regard to truths to be believed, and to observe what they call ecclesiastical

directives, they proceed with such boldness that they refuse to obey the precise and definite prescriptions of the Holy See. They protest that these refer to political affairs because of a hidden meaning by the author, as if these prescriptions took their origin from some secret conspiracy against their own nation.

36. Here We must mention a symptom of this falling away from the Church. It is a very serious matter and fills Our heart - the heart of a Father and universal Pastor of the faithful - with a grief that defies description. For those who profess themselves most interested in the welfare of their country have for some considerable time been striving to disseminate among the people the position, devoid of all truth, that Catholics have the power of directly electing their bishops. To excuse this kind of election they allege a need to look after the good souls with all possible speed and to entrust the administration of dioceses to those pastors who, because they do not oppose the communist desires and political methods, are acceptable by the civil power.

37. We have heard that many such elections have been held contrary to all right and law and that, in addition, certain ecclesiastics have rashly dared to receive episcopal consecration, despite the public and severe warning which this Apostolic See gave those involved.

Since, therefore, such serious offenses against the discipline and unity of the Church are being committed, We must in conscience warn all that this is completely at variance with the teachings and principles on which rests the right order of the society divinely instituted by Jesus Christ our Lord.

38. For it has been clearly and expressly laid down in the canons that it pertains to the one Apostolic See to judge whether a person is fit for the dignity and burden of the episcopacy,[11] and that complete freedom in the nomination of bishops is the right of the Roman Pontiff.[12] But if, as happens at times, some persons or groups are permitted to participate in the selection of an episcopal candidate, this is lawful only if the Apostolic See has allowed it in express terms and in each particular case for clearly defined persons or groups, the conditions and circumstances being very plainly determined.

39. Granted this exception, it follows that bishops who have been neither named nor confirmed by the Apostolic See, but who, on the contrary, have been elected and consecrated in defiance of its express orders, enjoy no powers of teaching or of jurisdiction since jurisdiction passes to bishops only through the Roman Pontiff as We admonished in the Encyclical Letter *Mystici Corporis* in the following words: ". . . As far as his own diocese is concerned each (bishop) feeds the flock entrusted to him as a true shepherd and rules it in the name of Christ. Yet in exercising this office they are not altogether independent but are subordinate to the lawful authority of the Roman Pontiff, although enjoying ordinary power of jurisdiction which they receive directly from the same Supreme Pontiff."[13]

40. And when We later addressed to you the letter *Ad Sinarum gentem*, We again referred to this teaching in these words: "The power of jurisdiction which is conferred directly by divine right on the Supreme Pontiff comes to bishops by that same right, but only through the successor of Peter, to whom not only the faithful but also all bishops are bound to be constantly subject and to adhere both by the reverence of obedience and by the bond of unity."[14]

41. Acts requiring the power of Holy Orders which are performed by ecclesiastics of this kind, though they are valid as long as the consecration conferred on them was valid, are yet gravely illicit, that is, criminal and sacrilegious.

42. To such conduct the warning words of the Divine Teacher fittingly apply: "He who enters not by the door into the sheepfold, but climbs up another way, is a thief and a robber."[15] The sheep indeed know the true shepherd's voice. "But a stranger they will not follow, but will flee from him, because they do not know the voice of strangers."[16]

43. We are aware that those who thus belittle obedience in order to justify themselves with regard to those functions which they have unrighteously assumed, defend their position by recalling a usage which prevailed in ages past. Yet everyone sees that all ecclesiastical discipline is overthrown if it is in any way lawful for one to restore arrangements which are no longer valid because the supreme authority of the Church long ago decreed otherwise. In no sense do they excuse their way of acting by appealing to another custom, and they indisputably prove that they follow this line deliberately in order to escape from the discipline which now prevails and which they ought to be obeying.

44. We mean that discipline which has been established not only for China and the regions recently enlightened by the light of the Gospel, but for the whole Church, a discipline which takes its sanction from that universal and supreme power of caring for, ruling, and governing which our Lord granted to the successors in the office of St. Peter the Apostle.

45. Well known are the terms of Vatican Council's solemn definition: "Relying on the open testimony of the Scriptures and abiding by the wise and clear decrees both of our predecessors, the Roman Pontiffs,

and the general Councils, We renew the definition of the Ecumenical Council of Florence, by virtue of which all the faithful must believe that 'the Holy Apostolic See and the Roman Pontiff hold primacy over the whole world, and the Roman Pontiff himself is the Successor of the blessed Peter and continues to be the true Vicar of Christ and head of the whole Church, the father and teacher of all Christians, and to him is the blessed Peter our Lord Jesus Christ committed the full power of caring for, ruling and governing the Universal Church....'

46. "We teach, . . . We declare that the Roman Church by the Providence of God holds the primacy of ordinary power over all others, and that this power of jurisdiction of the Roman Pontiff, which is truly episcopal, is immediate. Toward it, the pastors and the faithful of whatever rite and dignity, both individually and collectively, are bound by the duty of hierarchical subordination and true obedience, not only in matters which pertain to faith and morals, but also in those which concern the discipline and government of the Church spread throughout the whole world, in such a way that once the unity of communion and the profession of the same Faith has been preserved with the Roman Pontiff, there is one flock of the Church of Christ under one supreme shepherd. This is the teaching of the Catholic truth from which no one can depart without loss of faith and salvation."[17]

47. From what We have said, it follows that no authority whatsoever, save that which is proper to the Supreme Pastor, can render void the canonical appointment granted to any bishop; that no person or group, whether of priests or of laymen, can claim the right of nominating bishops; that no one can lawfully confer episcopal consecration unless he has received the mandate of the Apostolic See.[18]

48. Consequently, if consecration of this kind is being done contrary to all right and law, and by this crime the unity of the Church is being seriously attacked, an excommunication reserved specialissimo modo to the Apostolic See has been established which is automatically incurred by the consecrator and by anyone who has received consecration irresponsibly conferred.[19]

49. What then is to be the opinion concerning the excuse added by members of the association promoting false patriotism, that they had to act as they alleged because of the need to tend to the souls in those dioceses which were then without a bishop?

50. It is obvious that no thought is being taken of the spiritual good of the faithful if the Church's laws are being violated, and further, there is no question of vacant sees, as they wish to argue in defense, but of episcopal sees whose legitimate rulers have been driven out or now languish in prison or are being obstructed in various ways from the free exercise of their power of jurisdiction. It must likewise be added that those clerics have been cast into prison, exiled, or removed by other means, whom the lawful ecclesiastical superiors had designated in accordance with canon law and the special powers received from the Apostolic See to act in their place in the government of the dioceses.

51. It is surely a matter for grief that while holy bishops noted for their zeal for souls are enduring so many trials, advantage is taken of their difficulties to establish false shepherds in their place so that the hierarchical order of the Church is overthrown and the authority of the Roman Pontiff is treacherously resisted.

52. And some have even become so arrogant that they blame the Apostolic See for these terrible and tragic events (which have certainly been deliberate accomplishments of the Church's persecutors) even though everyone knows that the Church has been unable, in the past and at present, when such information has been needed, to obtain requisite data about qualified candidates for the episcopacy simply because she was prevented from communicating freely and safely with the dioceses of China.

53. Venerable brethren and dear children, thus far We have told you of the anxiety with which we are moved by the errors which certain men are trying to sow among you, and by the dissensions which are being aroused. Our intention is that, enlightened and strengthened by the encouragement of your common father, you may remain steadfast and without blemish in that faith by which We are united and by which alone We shall obtain salvation.

54. But now, following the ardent dictates of Our heart, We must tell you of the close and particular feelings of intimacy which draw Us near to you. To Our mind come those torments which rend asunder your bodies or your minds, particularly those which the most valiant witnesses of Christ are enduring, among whose number are several of Our Venerable Brethren in the episcopate. Daily at the altar We offer to the Divine Redeemer the trials of all of them, together with the prayers and sufferings of the whole Church.

55. Be constant then and put your trust in Him according to the words: "Cast all your anxiety upon Him, because He cares for you."[20]

56. He sees clearly your anguish and your torments. He particularly finds acceptable the grief of soul and the tears which many of you,

bishops and priests, religious and laymen, pour forth in secret when they behold the efforts of those who are striving to subvert the Christians among you. These tears, these bodily pains and tortures, the blood of the martyrs of past and present - all will bring it about that, through the powerful intervention of Mary, the Virgin Mother of God, Queen of China, the Church in your native land will at long last regain its strength and in a calmer age, happier days will shine upon it.

57. Relying on this hope, to you and to the flocks committed to your care We most lovingly grant in the Lord, as a token of divine gifts and a sign of Our special good will, Our Apostolic Benediction.

58. Given at St. Peter's, in Rome, June 29th, the feast of the Holy Apostles Peter and Paul, in the year 1958, the 20th of Our Pontificate.

REFERENCES

1. "Acta Apostolicae Sedis" 18 (1926) 432.

2. Ibid.

3. AAS 44 (1952) 153 and ff.

4. AAS 47 (1955) 5 ff.

5. Luke 20:25.

6. Acts 5:29.

7. Isaias 9:6.

8. Cfr. message of Pius XI to the Apostolic Delegate to China, Aug. 1, 1928: "Acta Apostolicae Sedis" 20 (1928) 245.

9. Address to Cardinals and Bishops, Nov. 2, 1954: AAS 46 (1954) 671-672. [Eng. tr.: TPS v. 1, no. 4, pp. 375 ff. - Ed.]

10. AAS 4(1912) 658.

11. Canon 331, sect. 3.

12. Canon 329, sect. 2.

13. Encyclical letter"Mystici Corporis," June 29, 1943: AAS 35 (1943) 211-212.

14. Encyclical epistle "Ad Sinarum gentem," Oct. 7, 1954: AAS 47 (1955) 9.

15. John 10:1.

16. John 10:4-5.

17. Vatican Council, session IV, chap. 3; Coll. Lac., Vll, p.484.

18. Canon 953.

19. Decree of Sacred Congregation of the Holy Office, April 9, 1951: AAS 43 (1951) pp. 217-18.

20. 1 Peter 5:7.

Made available to the Net by Paul Halsall

Bishop Mendez and the 1990 SSPV Ordinations

Rev. Anthony Cekada

Conflicting accounts by participants lead to an unsettling conclusion.

IN SEPTEMBER 1990, the former Bishop of Arecibo, Puerto Rico, the Most Rev. Alfred F. Mendez CSC, ordained to the priesthood two members of the Society of St. Pius V (SSPV).

Since Bp. Mendez did not wish to be linked publicly with the traditionalist cause, the ordination was held in secret in a school chapel in Cincinnati, Ohio. To shield the prelate's identity further when the two newly-ordained priests suddenly appeared on the traditionalist scene, the SSPV gave out the name of their ordaining bishop as "Francis Gonzalez."

In a letter to a Society of St. Pius X priest the following month, moreover, Bp. Mendez himself actually denied his involvement, dismissing the story that he performed the ordination as an "ugly rumor."

Over the years, SSPV priests who participated in the ordination ceremony have given various conflicting accounts about how this rite was actually conducted. In particular, these touch upon the question of how Bp. Mendez recited the essential sacramental form — the one sentence in the rite absolutely required for the validity of the ordination.

No traditionalist, of course, wants one more controversy, especially over a hot-button issue like the validity of an ordination.

The case of the 1990 ordination, however, is *very* disturbing. The attempt to reconcile all the successive accounts of **how** Bp. Mendez recited the sacramental form, how **often** he recited it during the ceremony, what **text** he recited and what **book** he used has resulted in nothing but confusion and contradiction.

And the attendant consequences if there *had* been a substantial defect — that two priests who have been on the SSPV mission circuit since 1990 are invalidly ordained — are terrible to contemplate. For even though the SSPV priests as a matter of policy refuse sacraments to several broad categories of traditional Catholics (my current parishioners among them), many traditional Catholics (including ones that I formerly served) rely exclusively upon SSPV for sacraments, particularly in the East and Middle West where the two priests now work.

When this matter first came to my attention in late 2000, I tried without success to get it resolved discreetly. Shortly thereafter, I also wound up on a plane next to one of the priests ordained at the 1990 ceremony, a former student of mine. I explained the principles involved, and urged him to get the problem rectified. He listened politely, but I was unable to gauge whether he actually understood. And as far as I know, nothing was ever done.

Since this seems still to be the case, I will lay out here a few basic principles on the sacraments and then set down in chronological order the various conflicting accounts that participants in the 1990 ordinations have provided over the years. At the end of this article, I will offer a summary, followed by some practical conclusions.

By that point, however, I suspect that most readers will have already come to the same disturbing conclusions as I.

I. General Principles

We begin by recalling some principles on the sacraments:

• As I have demonstrated elsewhere in my article on the 1981 episcopal consecrations conferred by Abp. P.M. Ngo-dinh-Thuc, when a Catholic minister confers a sacrament using a Catholic rite, ordinary pastoral practice, canon law, and the principles of moral theology automatically treat the sacrament he confers as valid.[1]

As regards Holy Orders in particular, Cardinal Gasparri, the compiler of the Code of Canon Law, said: "...an act, especially one as solemn as an ordination, must be regarded as valid, as long as invalidity would not be clearly demonstrated."[2]

Accordingly, when Bp. Mendez conferred Holy Orders in 1990 using the Church's traditional ordination rites, the sacrament he conferred automatically enjoyed the presumption of validity, no matter *what* one thought of him otherwise.

• Despite this presumption, however, a sacrament that a Catholic minister confers using a Catholic rite must be treated as invalid if, when the rite was performed, a *substantial* defect occurred (or even probably occurred) in one of the three essential elements of the sacrament: matter, form or intention.

The second element mentioned, the *form*, refers to the short, essential formula in the rite that the Church (either through some papal pronouncement or through the common teaching of approved theologians) designates as required for validity.[3]

A substantial defect in the sacramental form takes place when it is either *omitted* entirely, or when its *meaning* is *substantially* changed — "when the meaning of the form itself is corrupted... if the words would have a meaning different from that intended by the Church."[4]

From the various accounts given by participants present at the 1990 ordinations, there is good reason to fear that Bp. Mendez mispronounced the essential sacramental form in such a way that its meaning was corrupted. We now turn to those accounts.

II. Initial Accounts: Two Pronunciations

The first indications that a defect occurred in the essential sacramental form came from two SSPV priests who had been present at the ceremony, the Rev. Thomas Zapp and the Rev. Clarence Kelly.

A. Father Zapp's Account. Fr. Kelly had designated both Fr. Zapp and himself to be the "qualified witnesses" to the ordination in order to attest that Bp. Mendez performed it validly, using the correct matter and form. They stood next to each other on the Gospel side of the sanctuary, six feet away from Bp. Mendez, sharing the same *Pontifical* (the ritual book with the ordination rites), and following the text.

(Neither canon law, moral theology nor the rubrics themselves prescribe such a role at a sacramental rite, by the way. Fr. Kelly had invented it in order to impugn the validity of the Thuc consecrations.)[5]

Before the recitation of the essential words, Fr. Kelly alerted Fr. Zapp by whispering "here comes the form."

After Bp. Mendez recited the form, Fr. Zapp recalled, "We looked at each other and said '*What'?"* Fr. Kelly had Fr. Jenkins stop the bishop and ask him to repeat it. Bp. Mendez was visibly upset at the request.

Nevertheless, Bp. Mendez recited the form a second time. Again, Frs. Kelly and Zapp followed the words together.

Fr. Kelly asked Fr. Zapp, "Did he get it right this time?" Fr. Zapp, trusting that Fr. Jenkins had heard it pronounced correctly the second time through, said "I *think* so." Apparently Fr. Kelly was satisfied with the "I *think* so," because there was no attempt to have Fr. Jenkins stop the bishop again.

At the time, Fr. Zapp had no worries about the validity of the sacrament. It was only a few years later, when some of the other information about the ordination began to come out, that he realized the gravity of the problem.

Fr. Zapp added: "There was absolutely no mention again of this fiasco — in my presence anyway — except, when returning to the sacristy (after the

disaster of a ceremony), Fr. Kelly and I looked at each other, shaking our heads, and he said to me, 'I'll *never* do this again!'"

B. Father Kelly's Account. After the death of Bishop Mendez in 1995, SSPV announced that Bp. Mendez had not only performed the 1990 ordinations, but in October 1993, had also secretly consecrated to the episcopacy Fr. Kelly, the SSPV Superior.

The circumstances surrounding Bp. Kelly's 1993 consecration, it was immediately noted, had a great deal in common with the circumstances surrounding the 1981 episcopal consecrations conferred by Abp. Thuc — which consecrations the erstwhile Fr. Kelly had for years been denouncing as invalid. In 1997, therefore, Bp. Kelly published *The Sacred and the Profane*, a 300-page book devoted in its entirety to trying to distinguish the two — justifying Bp. Mendez and himself ("The Sacred"), and condemning Abp. Thuc and others ("The Profane").[6]

On page 210 and following, Bp. Kelly gave his own lengthy version of what transpired at the 1990 priestly ordinations. He confirmed that Bp. Mendez had indeed pronounced the essential form twice. At the same time, however, Bp. Kelly tried to put to rest the worries occasioned by Fr. Zapp's eyewitness account of Bp. Mendez garbling the sacramental form.

But Bp. Kelly's telling of the story would not ultimately have reassuring effect that he intended.

III. Change in Meaning: "Quae Sumus"

In 2000, three years later, I was preparing teach my course on the sacraments at Most Holy Trinity Seminary (then located in Warren, Michigan). The course begins with an overview of the general principles that moral theology and canon law lay down for the conferral of sacraments.

For some reason, Bp. Kelly's account of the 1990 ordinations from *The Sacred and the Profane* came to mind as I was reviewing my teaching notes on defects in a sacramental form — that is, what kinds of changes in the wording render a sacrament doubtful or invalid.

Putting my notes side-by-side with the passage in Bp. Kelly's book led me to do a bit more research in other commentaries on the sacraments. I then sent the following letter to the local SSPV priest in Cincinnati, the Rev. William Jenkins. (The Latin quotes have been translated.)

* * *

November 4, 2000

Dear Father Jenkins,

In preparing for my *Jus Sacramentarium* course at Warren, I happened to recall something disturbing about Bp. Kelly's written account of the September 1990 ordinations.[7]

Seeking to discredit Fr. Zapp's recollections that Bp. Mendez had somehow garbled the essential sacramental form, Bp. Kelly wrote that the confusion arose over the word *quaesumus*, which, in the *Pontificale* Bp. Mendez was using, was hyphenated in the middle, so that *quae* appeared on one line in the Pontifical and *sumus* on the next. According to Bp. Kelly:

"As Bishop Mendez read the words of the form, he placed his right index finger on the book at the beginning of the form which had been marked. He then carefully, deliberately and slowly pronounced each word. When he [Bp. Mendez] came to the word '*quaesumus*,' which was hyphenated, he pronounced '*qua*e-' then moved his finger to the beginning of the next line and pronounced '*sumus*.' When I heard the syllables pronounced separately, I was startled and thought that Bishop Mendez had made a mistake." (*The Sacred and the Profane*, 210ff.).

Bp. Kelly related that he then informed you, and that Bp. Mendez repeated the form:

"Again, he pronounced the word '*quaesumus*' as he had done before. And again I thought he had made a mistake. It was clearly a case of my being too careful. I again told Fr. Jenkins who spoke to Bishop Mendez. But Bishop Mendez knew he had not made a mistake and he let us know it. But I still thought he had made a mistake." (*Ibid*.)

From these passages it seems clear that Bp. Mendez mispronounced the beginning of the essential sacramental form as "*Da quae sumus*", rather than "*Da, quaesumus*".

When I first read this account, I thought nothing more of it — perhaps just an amusing example of sloppy pronunciation by a typical American bishop with rusty Latin.

Last month, however, I came across the following passage in Halligan's *The Administration of the Sacraments* (photocopy enclosed):

"Regarding corruption or change in the sacramental form... The separation of individual words or of syllables does not constitute a substantial alteration, **unless the interval is long enough to alter the meaning of**

the sentence (more easily admissible when syllables are separated). In such a case, the moral unity of the form as one complete prayer is destroyed by the interruption, and **also by such grammatical changes or mistakes as could actually change the meaning of the form**. Substantial alteration may also be risked by faulty articulation or by clipping words through haste. In practice, **where a complete word is de facto interrupted through a pause between syllables, it is advisable to repeat the word**, unless the interruption is extremely slight."[8]

The teaching of other authors (photocopies also enclosed) is similar:

"Separating syllables changes the meaning [of a sacramental form] far more easily than separating the words, so that **even a moderate separation would render the sacrament either invalid or at least doubtful**." (Cappello)[9]

"Grammatical errors generally do not change the form substantially, **unless a clearly different meaning results from it, or the words become completely different**." (Regatillo)[10]

"Through corruption or speed or stuttering [a change in the sacramental form is merely] accidental. But it is substantial [*secus*] **if the meaning completely disappears**, e.g., by saying 'Hic (as an adverb) est corpus meum..." (Aertnys-Damen)[11]

In light of these principles, Bp. Kelly's account of how Bp. Mendez recited the essential form at the September 1990 ordination is very, very troubling:

(1) The change involved an **interruption of syllables**, which "**far more easily changes the meaning, so that even a small [interruption] would render the sacrament invalid or at least doubtful**."

(2) The words do become "**altogether different**." The object of the imperative form of "give" is changed from "the dignity of priesthood" to "the things we are." Thus:

"**Grant,** we beseech [Thee], unto these, thy servants, the **dignity of the priesthood**..."

— becomes —

"**Grant the things we are** unto these, Thy servants, the dignity of the priesthood...

(3) The change does "altogether take away the meaning" from the form.

All this seems to indicate that the use of *quae sumus* in place of *quaesumus* represented a substantial change in the form, which — I need hardly point out — would render the ordination invalid, or at best doubtful.

Far be it from me to tell all of you what to do. But if I were you, I would think seriously about arranging a conditional ordination.

Normally such a course of action would be pursued discreetly. However, Bp. Kelly published an extensive and detailed account of this error in his book. If one person noticed that the error was substantial and therefore invalidating, others will eventually notice it too.

It would be better to rectify the ordination and let people know.

Yours in Christ, etc.

* * *

To sum up the main point of my letter to Fr. Jenkins: If we take at face value Bp. Kelly's account of the 1990 ordination, the way Bp. Mendez separated the syllables of a word (*quaesumus*) substantially changed the *meaning* of the sacramental form from "Grant... **the dignity of the priesthood**," to "Grant **the things we are**..."

According to the principles of sacramental theology outlined above, a *substantial* change in meaning renders a sacrament invalid, or at best doubtful.

Such principles, by the way, are not designed to make the sacraments an exercise in nit-picking. The rules about sacramental forms are intended to insure the opposite: that, no matter *how* incompetent a Catholic minister may be in performing the rest of the rite, the bare minimum he needs to get right to confer the sacrament validly is *very* little and *very* easy.

But if even that *minimum* is not there, the rite ceases to be a sign and by definition cannot confer the sacramental grace.

IV. Singular or Plural Form?

Before I heard back from Fr. Jenkins, the Rev. Joseph Collins, a fellow former-SSPV colleague, discovered another unsettling point in *The Sacred and the Profane*.

Bp. Kelly, intending to reassure those who heard Fr. Zapp's account, says that the essential form "was marked so that it was easily distinguishable from the rest of the text of the Preface. It was enclosed in brackets and the words *Forma essentialis* were written in the margin on both sides of the page."[12] In a footnote, he refers readers to Appendix A of his book for "a facsimile copy of the actual page from the *Roman Pontifical* used by Bishop Mendez" at the 1990 ordination.

Fr. Collins, ever the eagle-eyed proofreader, noticed that the facsimile in the Appendix (p. 274) was actually the **singular** form (for ordaining **one** priest), rather than the **plural** form (for ordaining **two or more** priests).

If this page in the *Pontifical* was in fact what Bp. Mendez used, this raises *another* question: Is using the *singular* form for conferring the Sacrament of Holy Orders sufficient to confer it on *two or more* candidates?

By analogy with what the *Roman Ritual* prescribes for baptism, it would seem that the singular form is *not* sufficient. In the case of an emergency, one can validly baptize several candidates simultaneously, but the *plural* form is prescribed[13] — *Ego* **vos** *baptizo*... The reasoning, no doubt, is that the recipient of the sacramental grace must be sufficiently designated in the form.[14] Likewise, to absolve a large group of penitents in an emergency, the plural form, rather than the singular (*vos* rather than *te*) is prescribed.[15]

When word of the singular-plural mix-up circulated, SSPV sent out **another** facsimile of the form in the **plural**, claiming that *this* text was the one Bp. Mendez had in fact used for the 1990 ordination, and that wrong page from the *Pontifical* had been reproduced in Bp. Kelly's book "due to an editor's mistake."

As someone who since 1993 has spent countless hours researching, organizing and personally overseeing ordination rites, as well as studying various editions of the *Pontifical*, I am *very* skeptical of this explanation.

Many older editions of the *Pontifical* (such as the one Bp. Mendez used) are confusing to use due to their typesetting and layout. The title and page headers for the priestly ordination rite sometimes appear in the **singular** (*De Ordinatione Presbyteri* — "For the Ordination of **a Priest**"), even when the text of the accompanying rite is the one used for **two or more** priests and is in the **plural**.

This was the case with both facsimiles Bp. Kelly reproduced. Though the text of the first was singular and the second plural, the headers were identical and in the singular. Unless you really understand Latin and know the rites

inside out — and the last time Bp. Mendez, then 82, would have ordained *anyone* in Latin with the old rite would have been 22 years earlier at *best* — it would be very easy to mix up the singular and plural texts during a ceremony.

And in any case, Bp. Kelly **himself** did not notice that he printed the singular text **in his own book** — his 300-page magnum opus, written as the final vindication of Bp. Mendez. If Bp. Kelly did not recognize the singular text in *print* until it was pointed out, his later claims that the plural text was used at the *ceremony* nevertheless are not particularly reassuring.

V. A THIRD Pronunciation and a SECOND Book

Nearly eight months later, in a letter dated June 28, 2001, Fr. Jenkins finally replied to my letter of November 4, 2000.

Although I had not mentioned the singular-plural problem, Fr. Jenkins volunteered that wrong page of the *Pontifical* was printed in Bp. Kelly's book, and that "the plural formula was used. Again, I was in a position to know and have sworn to that fact."

Fr. Jenkins confirmed that Bp. Mendez had pronounced the sacramental form once and then repeated it a second time when asked. Fr. Jenkins insisted that, "Bishop Mendez had pronounced the form exactly and correctly."

However, Fr. Jenkins then added two *new* details that confused matters still further:

- After the second time Bp. Mendez pronounced the form, Fr. Kelly was still worried it had not been done correctly and compelled Bp. Mendez to recite it yet again — a **third** time.

- For this, said Fr. Jenkins, Bishop Mendez "called for the small book of ceremonies he had brought with him and thence repeated the form from his own book." This **second book**, unmentioned in any account and not identified by Fr. Jenkins, appears and is used for the form.

So, a third pronunciation and a second book suddenly materialize — eleven years after the fact!

However, Fr. Zapp — designated by Fr. Kelly as the "qualified witness" to the ordination — **denied** that Bp. Mendez pronounced the form a third time.

"No way was there a third try at the form!" said Fr. Zapp. "For one thing, the already disturbed Mendez would have blown a gasket."

VI. Two Pronunciations, then Three

The most recent version of the story came from Albert Russo. In the 1980s Mr. Russo was a seminarian in the Society of St. Pius X when I was a member. Though he was never ordained, he was present for the 1990 ordination, and he now teaches at Bp. Kelly's seminary in Round Top NY.

In a casual conversation with Bishop Donald Sanborn in July 2006, the topic of the 1990 ordinations came up. Mr. Russo said that Bp. Mendez had pronounced the sacramental form **twice** — as indeed Bp. Kelly's book and Fr. Zapp had related.

Subsequently, however, Mr. Russo informed Bp. Sanborn that he had spoken with Fr. Jenkins, and that there had been **three** pronunciations of the form.

VII. A Summary

We will now try to put all this together:

(1) According to the principles of canon law and sacramental theology, when Bishop Mendez conferred Holy Orders in 1990 using the Church's traditional ordination rites, the sacrament he conferred automatically enjoyed the presumption of validity.

(2) Nevertheless, the same principles of canon law and moral theology would dictate that this ordination must be treated as invalid if a *substantial* defect occurred (or even probably occurred) in one of the three essential elements of the sacrament (matter, form or intention) when Bp. Mendez performed the rite.

(3) Successively over the years since the 1990 ordination, participants have offered several conflicting accounts about how Bp. Mendez pronounced the essential sacramental form.

(4) Fr. Zapp claimed that Bp. Mendez pronounced the sacramental form **twice,** but **quickly** and **garbled** it.

(5) Bp. Kelly claimed that Bp. Mendez pronounced the sacramental form **twice,** but **carefully** and **correctly.**

(6) In an attempt to refute Fr. Zapp's account, however, Bp. Kelly claimed that Bp. Mendez **separated the syllables** of the word "quaesumus" (we beseech Thee) in the essential form.

(7) This, however, turned **one Latin word** into **two words,** changing the phrase "Grant, we beseech Thee... **the dignity of the Priesthood**," to "Grant **the things that we are**...," thus substantially corrupting the meaning of the essential sacramental form required for the validity of a priestly ordination.

(8) To support his version of events, Bp. Kelly reprinted in his book **a facsimile of the actual form** Bp. Mendez supposedly used, **taken from the book Bp. Mendez used**.

(9) This form reproduced from the *Pontifical*, however, was the **singular** form for ordaining **one** priest, instead of the **plural** form for ordaining **two or more** priests.

(10) Had the singular form indeed been used, this would introduce **another** defect in the form, because (1) a sacramental form must specify who is receiving the sacramental grace, and (2) when the minister of baptism or penance confers those sacraments in an emergency on plural recipients simultaneously, he is required to use the plural form.

(11) When it was pointed out that Bp. Kelly had printed the singular form in his book, he issued a **second facsimile of the form**, this one in the **plural.** He claimed that *this* version was the one actually used, and he blamed the first facsimile on "an editor's mistake."

(12) In 2001 Fr. Jenkins claimed that Bp. Mendez had pronounced the form **exactly and correctly**.

(13) Fr. Jenkins also claimed that Fr. Kelly compelled Bp. Mendez to pronounce the form a **third** time, something unmentioned in previous accounts.

(14) However, Fr. Zapp, who was standing six feet away from Bp. Mendez at the ordination, insisted that there was **no third pronunciation**.

(15) Fr. Jenkins also claimed that, for this third time around, Bp. Mendez used a previously-unmentioned and unidentified **second book** that was brought out from the sacristy.

(16) Mr. Russo first claimed that Bp. Mendez pronounced the sacramental form **twice**, but having spoken with Fr. Jenkins, subsequently said Bp. Mendez pronounced it **three times**.

These confusing alternatives can be further reduced to the following chart:

Mode of Pronunciation?

1. Quickly and garbled. (Zapp)
2. Carefully and correctly. (Kelly)
3. Syllables separated: *quae sumus*. (Kelly)
4. Exactly and correctly. (Jenkins)

Number of times pronounced?

1. Twice. (Zapp, Kelly)
2. Three times. (Jenkins)
3. **No** third time. (Zapp)
4. Twice or three times. (Russo)

Grammatical Number?

1. Singular form. (Kelly book)
2. Plural form. (Kelly flyer, Jenkins letter)

Ritual Book Used?

1. *Pontifical.* (Kelly book and flyer, Jenkins)
2. Unidentified book. (Jenkins for 3rd time)

VIII. The Practical Conclusion

Before we offer this, a brief observation is in order.

Over the years, Bp. Kelly has enunciated various standards by which he has judged to be invalid the ordinations and consecrations of many

traditionalist priests and bishops. In the case of the 1990 ordinations, how does he himself measure up to these standards?

In *The Sacred and the Profane*, Bp. Kelly dismisses the witnesses to the Thuc consecrations as unreliable because several years thereafter one of them mis-identified the ritual book used.[16] Yet for the 1990 ordinations, Bp. Kelly himself did not notice that he printed the wrong version of the sacramental *form* in his own book.

In the same book, Bp. Kelly pronounced the Thuc consecrations doubtful because the witnesses "had not been properly prepared as witnesses," and "could not testify that the matter and form had been 'correctly applied,' or indeed applied at all."[17] "A witness should be a witness,"[18] Bp. Kelly solemnly declared. "The inability of the witnesses to testify that correct matter and form were applied is cause for serious concern."[19]

A hundred pages later, however, Bp. Kelly inadvertently revealed an invalidating defect in the sacramental form during the 1990 ordination — a defect he himself neither recognized in his capacity as "qualified witness" during the ceremony, nor even noticed later when writing an account intended to vindicate the validity of the ordination.

Bp. Kelly, therefore, has no business passing judgment on either "qualified witnesses" or the validity of ordinations and episcopal consecrations. His own book is a permanent memorial to the fact that he doesn't know what he's talking about.

That said, if we were facing only two *slightly* different versions about *one* detail in the 1990 ordination, we might be able to ascertain what actually went on. But this affair is a total mess. Contradictory accounts, explanations that produce more problems, "editor's errors," events that emerge ten years later, a previously unheard-of book, and so on — there is *no* way to sort it all out.

Nevertheless, one point does emerge: There is enough evidence from participants to conclude that, during the September 1990 ordination, Bp. Mendez probably mispronounced the essential sacramental form in such a way as to invalidate the rite. This difficulty is compounded by the prospect of another potentially invalidating defect: the use of the singular form, rather than the plural.

As a result, there is a positive doubt as to whether the two priests, the Revs. Joseph Greenwell and Paul Baumberger, are validly ordained.

The only solution to this problem is the practical one I hinted at in my letter to Fr. Jenkins, and then directly recommended to Fr. Greenwell: both Fr. Greenwell and Fr. Baumberger must submit to another ordination.

The canonist Regatillo provides the general principle to be followed: "There is an **obligation** to correct a defect: First, **if it concerned something either certainly or probably essential**... Manner of correction: a) If the defect concerned something either certainly or probably essential, **the entire ordination must be repeated**, either absolutely or conditionally."[20]

Further, even if one were to maintain that the ordination was not *certainly* invalid, but merely *doubtful*, the same course of action must nevertheless be followed: "A doubtful ordination, at least in practice, must be repeated again conditionally in its entirety."[21]

Under normal circumstances, the repetition of an ordination "should take place privately and in secret, especially if there would be scandal."[22] This norm was aimed at sparing the laity from worry, and preserving the reputation of both the bishop who had performed the defective ordination and the ordinand who had received it.

The current case is different. The evidence for the defects appears in Bp. Kelly's book. It is therefore not only public already, but *permanently* so. If I stumbled across it, someone else will one day, and unless the resolution of the matter is publicized adequately, a cloud will always hang over the 1990 ordination.

For this reason, I think that the repetition of the ordination should be public, or at least sufficiently well publicized and documented. If the two priests have *already* submitted to another ordination, this, too, should similarly publicized. In both cases, this would resolve the existing doubts, and reassure the faithful who in the future receive sacraments from these priests that they may do so securely.

Finally, the principles of moral theology forbid the reception of doubtful sacraments outside of danger of death. Therefore, until such time as the Society of St. Pius V provides convincing proof that the two priests ordained by Bp. Mendez in 1990 have undergone a repetition of their ordination, the faithful should neither assist at their Masses, receive sacraments from them, nor receive the Eucharist from tabernacles in the churches they serve.

For all the foregoing reasons, therefore, the re-ordination should take place as soon as possible.

(Internet, September 2006)

Notes

[1]. A. Cekada, "The Validity of the Thuc Consecrations," *Sacerdotium* 3 (Spring 1992), esp. 19—22.

[2]. P. Gasparri, *Tractatus de Sacra Ordinatione* (Paris: Delhomme 1893) 1:970.

[3]. This is a descriptive definition. The technical definition is typically given as "words or some other equivalent signs (as a nod expressing consent in Matrimony) which determine the matter more particularly, both matter and form thus constituting the external sign and producing the sacramental effect." N. Halligan, *Administration of the Sacraments* (New York: Alba House 1962), 6.

[4]. H. Merkelbach, *Summa Theologiae Moralis* 8th ed. (Montreal: Desclée 1949) 3:20. "Quando ipse sensus forma corrumpitur... habeat sensum diversum a sensu intento ab Ecclesia."

[5]. In canon law a "qualified witness" is a specific technical term for "any sworn official occupying public office giving testimony about matters pertaining to his office." (See H. Jone, *Commentarium in Codicem Iuris Canonici*, [Paderborn: 1950—55] canon 1791, 3:165.) It has nothing to do with being present at sacramental rites to insure their validity. Fr. Kelly confused this term with Jone's and the Code of Canon Law's recommendation that a witness be present "if possible" (*si fieri potest*) in a case where a **layman confers "private" baptism** in danger of death. "Private" baptism is another technical term, referring not to the number of people present but to the ceremonies employed.

[6]. It did not perhaps occur to Bp. Kelly that the need to expend 300 pages explaining "differences" merely proved that the similarities were obvious. The pharisaism of some arguments is even unintentionally amusing, such as Bp. Kelly's attempt on pp. 41-51 to explain away a 1981 certificate of episcopal consecration that Abp. Thuc had written out in Latin and in his own hand. Clearly, Bp. Kelly is a man who's got a whole lot of 'splainin' to do...

[7]. C. Kelly, *The Sacred and the Profane* (Round Top NY: Seminary Press 1997).

[8]. Halligan, 16.

[9]. F. Cappello, *Tractatus Canonico-Moralis de Sacramentis* 4th ed., (Turin: Marietti 1945) 1:15—6. "Interruptio syllabarum longe facilius, quam verborum interruptio, sensum immutat, ita ut etiam modica vel nullum reddat sacramentum vel saltem dubium."

[10]. E. Regatillo, *Jus Sacramentarium* 2nd ed., (Santander: Sal Terrae 1949), p. 6. "Errores grammaticales generatim formam substantialiter non mutant, nisi inde sensus plane diversus oriatur, vel verba omnino diversa fiant."

[11]. Aertnys-Damen, *Theologia Moralis* 18th ed. (Turin: Marietti 1952), 2, p. 15. "Per corruptionem, ob praecipitantiam aut balbutiem ... accidentalis; secus, si tollatur omnino sensus, dicendo, e.g. Hic (adverbialiter) est corpus meum..."

[12]. *Sacred and the Profane*, 210.

[13]. Halligan, 34-5, 73.

[14]. If in conferring a baptism, for instance, the priest omits "thee" from the form, saying only "I baptize in the name of the Father..." etc., the rite is invalid.

[15]. Cappello, 2:169.

[16]. See 55—59.

[17]. 62. See also 52—55.

[18]. 61.

[19], 55.

[20]. Regatillo, 874. My emphasis. "*Obligatio* est defectus corrigenda: 1. Si fuit circa certo aut probabiliter essentiale.... *Modus*: a) Si defectus fuit circa certo vel probabiliter essentiale, tota ordinatio repetenda est, *absolute* vel *sub conditione.*"

[21]. J. Nabuco, *Pontificalis Romani: Expositio Juridico-Practica* (New York: Benziger 1944) 1:203. "Ordinatio dubia, licet in praxi tantum, est iterum per integrum sub conditione repetenda."

[22]. Nabuco 1:203.

Bibliography

AERTNYS, I. & C. Damen. *Theologia Moralis*. 17th ed. Rome: Marietti 1958.

CAPPELLO, F. *Tractatus Canonico-Moralis de Sacramentis.* Rome: Marietti 1951. 5 vols.

CEKADA, A. "The Validity of the Thuc Consecrations," *Sacerdotium* 3 (Spring 1992). 3—34.

GASPARRI, P. *Tractatus Canonicus de Sacra Ordinatione.* Paris: Delhomme 1893.

HALLIGAN, N. *The Administration of the Sacraments*. New York: Alba House 1962.

JONE, H. *Commentarium in Codicem Iuris Canonici*. Paderborn: 1950—55. 3 vols.

KELLY, C. *The Sacred and the Profane.* Round Top NY: Seminary Press 1997,

MERKELBACH B. *Summa Theologiae Moralis*. 8th ed. Montreal: Desclée 1949. 3 vols.

NABUCO, J. *Pontificalis Romani: Expositio-Juridico Practica*. New York: Benziger 1944. 3 vols.

REGATILLO, E. *Jus Sacramentarium*. 2nd ed. Santander: Editorial Santander 1949.

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1 The Great Excommunicator (2002) by Rev. Anthony Cekada Bp. Kelly's communion rules divide families and violate canon law. YOUNG TRADITIONAL Catholics often worry about finding the right potential spouse — will I find a mate with whom I can share and practice my faith? This worry is often compounded because of the divisions that exist among various traditional Catholic groups, a situation produced by the defection of the hierarchy at Vatican II, who otherwise would now be keeping order among faithful Catholics. In Cincinnati where I now work, this difficulty is particularly acute due to the presence of a parish operated by Bishop Clarence Kelly's Society of St. Pius V (SSPV) and his Daughters of Mary. His organization's policy is to refuse Holy Communion to people who assist at my Mass, and otherwise treat them as nonCatholics. Often there is a nasty public scene at their church when an SSPV priest grills a suspect communicant at the rail, and then passes him by if he gets the wrong answers. (The most recent victim: a 90-year-old Cincinnati granny, visiting an SSPV church in Cleveland.) The local SSPV school principal even exacts a written oath from parents that they and their children will not receive sacraments at my church. You can imagine the difficulties that ensue, then, when a young man from the SSPV parish, say, takes an interest in a young lady from mine, and marriage looms. The SSPV clergy pressure the young man and his family to get the young woman to "convert" — formally renounce any connection with me and agree to raise any children in "their" church. The reason SSPV gives for this policy is that I and the various clergy with whom I work are somehow non-Catholic, excommunicated, or tainted, due to associations (no matter how remote) with persons or groups SSPV finds objectionable: Abp. P.M. Ngô-dinh-Thuc, the Mount St. Michael's priests (CMRI) and others. Lay people sometimes find this grim picture convincing — traditional Catholics tend to be pessimists, after all — or at least unsettling enough so that they go along with the SSPV policy. But the "policy" of a particular organization should not be the ultimate norm of action for anyone. As traditional Catholics, the question must always be: "What norms does the Church lay down?" The answer to this question is found in her Code of Canon Law (a body of 2414 individual laws, supplemented by some other legislation), as explained by "canonists" (legal experts), theologians and popes. 2 Here we discover that a Catholic has a right to receive the Eucharist, the priest has an obligation to give Communion to a Catholic, and that the priest may refuse someone the Eucharist only if that person is forbidden by law to receive it. And the law defines precisely what makes someone "forbidden by law" to receive Holy Communion. This I will

outline in detail below. I will also list the various reasons SSPV has given over the years for refusing my parishioners Communion. I will show in each instance that SSPV has either invented a crime or principle not found in canon law, or misinterpreted some principle that is. In order to reassure the skeptical reader from an SSPV chapel that I have not somehow misinterpreted church laws myself, I will provide free of charge to anyone who writes me photocopies of the documentation I quote below, with all quoted passages underlined. I encourage young people with friends in SSPV chapels to circulate this article and the accompanying documentation. So too, families that have been torn asunder by SSPV's policies The law of the Catholic Church, you will see, is a good deal more merciful and forgiving than SSPV would have you believe. The Right to Receive Communion QUESTION: Is SSPV permitted by church law to refuse Communion to my parishioners? 1. You have a right to Communion unless forbidden by law. • Church Law: "Every baptized person not forbidden by law may and must be admitted to Holy Communion." (Canon 853) • Explanation: "Every baptized person is by divine right entitled to receive Holy Communion, because baptism bestowed this right upon him… All are called by Christ to His banquet, and therefore the priests are in duty bound to offer every opportunity to the faithful for receiving Communion and to lay aside unreasonable and Jansenistic scruples." Canonist C. Augustine, Commentary on the New Code of Canon Law, 1921, 4:225. Application: My parishioners may and must be admitted to Communion, unless they are forbidden by law. The law quoted favors their right to receive, unless otherwise proven, and this right is one of divine law. An SSPV priest in turn, is in duty bound to give them Communion. If he intends to refuse them Communion, he must demonstrate that some church law forbids them to receive. The burden of proving the unworthiness of my parishioners falls on SSPV. 2. The law bars the "publicly unworthy" from Communion. • Church Law: "The Holy Eucharist may not be given to such as are publicly unworthy, e.g., the excommunicated, interdicted and notoriously infamous, unless they have given signs of repentance and amendment and have repaired the scandal publicly given." Canon 855.1. Application: An SSPV priest must demonstrate that my parishioners are "publicly unworthy." This he may do by demonstrating that they are "excommunicated, interdicted, or notoriously infamous," or that they fall into some other category that the law says renders them "publicly unworthy." 3 3. Are my parishioners "publicly unworthy" under church law due to: A. Excommunication? The 1917 Code of Canon Law lists 44 offenses for which Catholics incur automatic excommunication. See list, Canonist Ayrinhac, Penal Legislation in the New Code of Canon Law, 1936, 326-329. SSPV must identify specifically: (1) Which of the 44 offenses my parishioners committed. (2) When and how they committed it. B. Interdict? The 1917 Code of Canon Law lists 4 offenses for which Catholics incur automatic interdict. See Ayrinhac, 329-30. SSPV must identify specifically: (1) Which of the 4 offenses my parishioners committed. (2) When and how they committed it. C. "Notorious Infamy"? The 1917 Code of Canon Law lists 7 offenses for which Catholics incur automatic "infamy of law." Canonist Ayrinhac, 121. N.B., "infamy of fact" can only be declared by their diocesan bishop. SSPV must identify specifically: (1) Which of the 7 offenses my parishioners committed. (2) When and how they committed it. D. Another church law? I am not aware of such a law. If an SSPV priest maintains that some other such law applies, he must identify specifically: (1) The date the law was promulgated. (2) The paragraphs setting defining the offense and imposing the prohibition of communion. (3) When and how my parishioners committed the offense. E. Being Public and Notorious Sinners? "Public and notorious sinners must not be admitted to Holy Communion…" These are defined as sinners who "(a) if they have been declared such by an ecclesiastical judge, or (b) if they have publicly confessed their crimes, or as we say, 'pleaded guilty,' or (c) if they have committed in word or deed a crime that still lasts and is known to the public as not atoned for

and therefore is a source of scandal." Pope Benedict XIV, in Augustine. SSPV must identify specifically: (1) The species of the sin my parishioners committed. (2) When and how they committed it. (3) How it lasts and is still known to the public. 4. Summary and Conclusion: "Every baptized person not forbidden by law may and must be admitted to Holy Communion." My parishioners must be admitted unless forbidden by law. Church law favors their right to receive. If SSPV intends to refuse them, it must prove that some church law forbids them to receive. Church law bars the "publicly unworthy" from Communion. One becomes "publicly unworthy" under the law through: (1) excommunication, (2) interdict, (3) notorious infamy, (4) an offense against some other law resulting in prohibition of Communion, or (5) being a public and notorious sinner. 4 Church law sets forth in detail how each of these is incurred. An SSPV priest who intends to refuse communion to my parishioners, must specify: (1) The offense committed. (2) The law it violated. (3) When it was committed. No SSPV priest has ever done so, despite my repeated public requests. SSPV cannot do so. The conclusion is clear: SSPV is not permitted by church law to refuse communion to my parishioners. Accordingly, its members are obliged by Canon 853 to give my parishioners Communion. We now pass on to various charges and objections. Non-Catholics or Schismatics? OBJECTION: My parishioners are "forbidden by law" to receive communion because Abp. Thuc or CMRI members or Bp. Dolan, etc. were/are "non-Catholics," or "schismatics." 1. Definition of a "member of the Catholic Church." • Papal Teaching: "In the Church they alone are to be counted as members who have received the baptism of regeneration and profess the true faith, who, moreover, have not had the misfortune to separate themselves from the assembly of the Body, or been excommunicated by the legitimate authority by reason of very grave faults." Pope Pius XII, Mystici Corporis, Pontifical Teachings 1022. If SSPV maintains that Abp. Thuc, or CMRI members or Bp. Dolan, or I, etc. were "non-Catholics," it must demonstrate that such a person was/is no longer a "member of the Catholic Church" under Pius XII's definition. SSPV must show that such a person has either: (1) Separated himself from the "assembly of the Body" (schism), or (2) Been excommunicated by legitimate authority. We begin with the more serious charge that such persons were/are "non-Catholics" because they were/are "schismatics." 2. Definition of "Schismatic." • Church Law: "If one, after the reception of baptism, while retaining the name of Christian, pertinaciously… refuses submission to the Supreme Pontiff or rejects communion with the members of the Church subject to the latter, he is a schismatic." Canon 1325.2. Church law does not contain another definition. This is the one SSPV must follow. 3. If an SSPV priest calls a baptized Catholic a "schismatic," he must therefore identify when and how that person: (1) Refused to be subject to the Roman Pontiff; OR (2) Rejected communion with the members of the Church subject to him, AND (3) Did so "pertinaciously" ("which presupposes bad faith, such that the schismatic knowingly and willing tears asunder 5 the unity of the Church."1 Canonist Coronata, Institutiones Juris Canonici, 4:1858) 4. The SSPV priest must identify this occasion for each of the following: • Abp. Thuc: When did he "refuse subjection to the Roman Pontiff" or "reject Communion with members of the Church subject to the Roman Pontiff"? Was it "pertinacious," presupposing bad faith, "knowingly, willingly" tearing asunder the unity of the Church? • Any CMRI member he claims is a "schismatic": Ditto: When? How? • Bishop Dolan: Ditto again: When? How? • Me? Any of my parishioners: Ditto again: When? How? • Your girlfriend or boyfriend: Ditto again: When? How? 5. If an SSPV priest cannot do so, he certainly cannot claim that any of the above were/are "schismatics." 6. Summary and Conclusion. Pius XII teaches that a baptized person who professes the true faith is a member of the Catholic Church unless he is separated from it by excommunication or schism. Church law gives a precise definition for the term "schismatic." Anyone SSPV calls a schismatic must meet the criteria in this definition. It cannot demonstrate that Abp. Thuc,

CMRI members, Bp. Dolan, my parishioners, or your girlfriend fall under these criteria. SSPV cannot claim that such were/are “non-Catholics” or “schismatics.” Therefore, SSPV may not refuse them Communion on these grounds. Contagious Excommunication? OBJECTION: My parishioners are “forbidden by law” to receive communion because Abp. Thuc, Bps. Carmona, Pivarunas, Dolan, etc. were/are “excommunicated.” 1. Identify the Excommunication Abp. Thuc Incurred: A. The Code of Canon Law? It lists 44 offenses. See Canonist Ayrinhac. SSPV must identify specifically: (1) Which of the 44 offenses Abp. Thuc committed. (2) When and how he committed it. B. Holy Office Decree (1951)? When the Communists took over China in the 1940s, they imprisoned Catholic bishops and clergy faithful to the pope. Bishops and clergy willing to renounce papal authority were allowed to form the “Chinese Catholic Patriotic Association,” which then elected priests to head the dioceses vacated by the imprisoned bishops. These priests then received episcopal consecration from the bishops of the Patriotic Association. In 1951, therefore, the Vatican Holy Office issued a new law imposing automatic excommunication for “The Consecration of a Bishop without Canonical Appointment.” 1. “quae malam fidem supponit et qua schismaticus sciens volens unitatem Ecclesiae dilaniat.” 6 The term “canonical appointment” (in Latin provisio or institutio canonica) is a technical term which refers not to the reception of the sacrament of episcopal consecration, but to the obtaining of jurisdictional power as head of a diocese. I have discussed this decree in “Pius XII, Excommunication, and Traditional Catholic Bishops,” which is available at www.traditionalmass.org. In response to SSPV’s rather fantastic charge that Abp. Thuc somehow incurred excommunication under this decree: (1) The automatic excommunication applies only to the case of a bishop illicitly consecrated as an ordinary over a diocese: “From the purpose intended by the Holy Office, the decree appears to cover only those who are consecrated as residential bishops, for this is the actual case which the Holy See wishes to condemn.” Canonist Regatillo, Institutiones Iuris Canonici, 1956, 2:1031, trans. in Cekada, “Pius XII, Excommunication & Traditional Catholic Bishops”. (2) Laws such as this that enact a penalty must be interpreted in a narrow sense: “In penalties the more benign interpretation should be followed.” Canon 2219.1. “The words of the law must be taken in their proper sense indeed, but not extended beyond this.” Canonist Ayrinhac, Penal Legislation, 39. (3) SSPV must demonstrate that Abp. Thuc consecrated someone as the residential bishop for a diocese without the appointment by the Holy See. Who? When? Bp. Guérard? Bp. Carmona? C. Ad Apostolorum Principis (1958), para. 48? This lengthy Epistle of Pius XII was likewise directed against the problem of the Patriotic Association’s illicit installation of schismatic bishops to head vacant dioceses in China. SSPV’s argument here is that ¶48 of the document punished consecrations in general that were done “rashly” or “irresponsibly.” Abp. Thuc did consecrations “rashly” or “irresponsibly.” Therefore, Abp. Thuc is excommunicated by it. In response: (1) The Latin term is ex arbitrio. This does not mean “rashlyon-a-stupid-irresponsible-impulse” but “on his own authority” (Cassells New Latin Dictionary, 55) — which was the crime of the Chinese clergy appointing the stooge diocesan heads. (2) The Epistle does not establish some new grounds for excommunication (for “impulsive” bishops?), but merely refers in ¶48 to the applicability of the 1951 Decree. (3) Pius XII condemns as “contrary to law and right” consecrations of the kind described in preceding paragraph (¶47), wherein those with “no authority whatsoever” a. “Render void the canonical appointment [institutio canonica]” made by a pope. b. “Claim the right of nominating bishops” for some group of priests or laymen. (“Bishop” in the Code, means an Ordinary, unless otherwise specified.) c. Confer consecration without “the mandate of the Apostolic See.” 7 2. Even if Abp. Thuc had personally incurred excommunication, it would not be incurred by clergy who derive their orders from him. A. Penalties aren’t “contagious.” “It is not permitted to extend penalties from

person to person or from case to case, even though the reason is the same or even stronger." Canon 2219.3. B. Receiving orders from an excommunicate incurs only suspension. (Prohibition from licitly exercising orders.) Those who presume to receive orders from one who is excommunicated, or suspended, or interdicted, after a declaratory sentence has been passed upon him, or from a notorious apostate, heretic, or schismatic, ipso facto incur a suspension a divinis reserved to the Holy See; one who in good faith is ordained by any such person is forbidden to exercise the orders so received until he shall be dispensed." Canon 2372. C. This suspension would not even apply anyway, because: (1) No one in authority issued a declaratory sentence upon Abp. Thuc, Bps. Carmona, Pivarunas, etc. declaring them excommunicated, suspended or interdicted. (2) Thuc, etc. were/are not "notorious apostates, heretics, schismatics." (If an SSPV priest claims otherwise he must prove his claim with the definitions of those terms in canon 1325. (3) "Presumes" is technical term stipulating that bad faith must be present for a penalty to apply. 3. And in any case, a Catholic may receive sacraments from an excommunicated priest anyway: "Except as provided in §3,2 the faithful can for any just cause ask for sacraments or sacramentals of one who is excommunicated, especially if there is no one else to give them; and in such cases the excommunicated person so asked may administer them, and is not obliged to ask the reason for the request." Canon 2261.2. 4. Summary and Conclusion: Abp. Thuc did not incur excommunication under the Code of Canon Law, the 1951 Holy Office decree or Apostolorum Principis. An excommunication is not "contagious" anyway, and wouldn't pass along to clergy deriving their orders from him. Even if it did, Canon 2261 permits Catholics to receive sacraments from an excommunicated clergyman. Therefore: SSPV may not refuse communion to my parishioners on the grounds that Abp. Thuc, Bps. Carmona, Pivarunas, Dolan, etc. were/are "excommunicated." The Sin of Scandal? OBJECTION: My parishioners are "forbidden by law" to receive communion because of the sin of "scandal." 2. "But from an excommunicated vitandus or one against whom there is a declaratory or condemnatory sentence, the faithful may only in danger of death ask for sacramental absolution according to canons 882 2252, and also for other sacraments and sacramentals in case there is no one else to administer them." (Canon 2261.3) This refers to those who have been condemned by name by the pope or by an ecclesiastical judge. 8 1. What the sin of scandal is not. In common speech, "scandal" means shock or bewilderment people experience as a result of some violation of propriety or common standards: "Oprah Flips Out after Twinkie Binge," etc. 2. What the sin of scandal is: • Definition: "Some word or deed (whether of omission or commission) that (1) is itself evil, or (2) has the appearance of evil, AND (3) provides an occasion of sin for another." Theologian Prümmer, Moral Theology, 230. Comment: For someone to commit the sin of scandal, his word or deed must in the first place either: (1) be evil, or (2) have the appearance of evil. 3. What "evil deed," real or apparent, did my parishioners commit that renders them "forbidden by law" to receive communion? A. Crime against church law? If so, is it punishable by automatic excommunication, interdict, or notorious infamy? Point it out, then. B. A public sin? Provide the commandment number, and species of sin, please. C. Reception of sacraments from a "schismatic"? False charge already refuted. Who is the "schismatic"? How does he fit the definition in canon 1325? D. Reception of sacraments from "excommunicated" cleric? False charge of excommunication already refuted. Canon 2261 permits reception from excommunicated minister anyway. 3. Without a specific evil deed, real or apparent, there is only the "taking of passive scandal." • Definition: Passive scandal is taken when it results not from an evil action but from a good action which is accepted by another as an occasion of sin either through: (1) Ignorance (scandal of the weak), OR (2) Malice (pharisaic scandal). See Theologian Prümmer. 5. The "scandal" taken by others at my parishioners' reception of the sacraments at St. Gertrude's, accordingly, is "passive

scandal" only, arising from: A. Ignorance. Lay people affiliated with SSPV have been indoctrinated with distortions of church law to view my parishioners' act as evil. This is scandal of the weak. B. Malice. The SSPV clergy cannot identify the laws or commandment against which my parishioners have committed their crimes or sins. The SSPV clergy nevertheless persist in maintaining that "scandal" is present. Their scandal, then, is pharisaic scandal. 6. There is no obligation to avoid giving others an occasion to take pharisaic scandal. 9 • Explanation: "This follows from the fact that pharisaic scandal is caused by the malice of the person taking scandal." Theologian Prümmer. 7. Summary and Conclusion: For a true sin of scandal to occur, my parishioners would need to have committed some evil or apparently evil act in the first place. SSPV cannot identify the law or commandment they have violated. The "scandal" that SSPV clergy takes is therefore only pharisaic. Therefore: SSPV may not refuse communion to my parishioners on the grounds that they have committed the sin of "scandal." Ordination of Unworthy Men? OBJECTION: My parishioners are "forbidden by law" to receive communion because Abp. Thuc conferred orders on some unworthy men. 1. General principle on ordaining unworthy men. • Church Law "A minister who dares [ausus fuerit] to administer sacraments to persons who are forbidden either by divine or ecclesiastical law to receive them, shall be suspended from the administration of the sacraments for a time to be determined in the prudent discretion of the Ordinary, and shall be punished by other penalties according to the gravity of the fault, without prejudice to the special penalties provided by law against certain crimes of this class." Canon 2364. 2. Points to note: A. "Dares [ausus fuerit] to administer…""If the law contains the words: praesumpserit, ausus fuerit, scienter, studiose, temerarie, consulto egerit, or other similar expressions which require full knowledge and deliberation, any diminution of imputability on the part of either the intellect or the will exempts from penalties latae sententiae." Canon 2229.2. "In this last case, even affected ignorance of fact probably excuses." Canonist Bouscaren, Canon Law: Text & Commentary, 1957, 853. To incur the penalty, Abp. Thuc would need to have had full knowledge that the ordinand was unworthy and done it anyway. This has not been proven. B. The Penalty: Not excommunication, but only suspension (prohibition from exercising orders). Is not even automatic. Must be imposed by a superior with ordinary jurisdiction. Other ordinands couldn't "catch" it and pass it along anyway. 3. Summary and Conclusion: This charge is merely an attempt at guilt by association. Catholics do not become "forbidden by law" from receiving Communion if they have received sacraments from other clergy who somewhere, somehow, in their line of apostolic succession descend from a bishop who "could have" been subject to suspension for having ordained someone unworthy, if that bishop had had full knowledge of the ordinand's unworthiness, and if that bishop's own Ordinary had imposed a sentence on him. If SSPV has a law saying otherwise, let them provide the reference. 10 Therefore: SSPV may not refuse communion to my parishioners on the grounds that Abp. Thuc conferred orders on some unworthy men. Cooperation with Crimes? OBJECTION: My parishioners are "forbidden by law" to receive communion because by receiving sacraments from clergy who trace apostolic succession to Abp. Thuc, they become "cooperators" with his "evil deeds," "crimes," etc. 1. Accusations Refuted Above: That Abp. Thuc was non-Catholic, schismatic, excommunicated, guilty of crimes, etc. 2. Even if Abp. Thuc had been guilty of a criminal action, receiving orders from him did not constitute cooperating in a criminal action, even if one approved of his crimes. • Principle: "Approving a criminal action, sharing in the spoils, concealing the offender, and all such action performed after the crime is already consummated, may constitute new delinquencies in themselves if there are penalties enacted against them by law; but they do not constitute cooperation in the crime nor render one responsible for it, unless the support or encouragement had been promised beforehand and in

that sense preceded the evil deed." Canonist Ayrinhac, Penal Legislation, 19. III. Summary and Conclusion: This charge is merely guilt by association again. Catholics do not become "forbidden by law" from receiving Communion through "cooperation in crime" if they have received sacraments from other clergy who somewhere, somehow, in their line of apostolic succession descend from a bishop who committed or could have committed a crime. If SSPV has a law saying otherwise, let them provide the reference. Therefore: SSPV may not refuse communion to my parishioners on the grounds that by receiving sacraments from clergy who trace apostolic succession to Abp. Thuc, they become "cooperators" with his "evil deeds," "crimes," etc. Just Following a Safer Course? OBJECTION: My parishioners are "forbidden by law" to receive communion on the grounds that SSPV is just following "the safer course." I. Principle on "the safer course": • Moral theology: "It does not consist in a course that is safer compared to another which is also safe, but rather a course that is safer opposed to another which is not safe. For we are not bound to follow the safer course when another course is safe."3 Theologians Aertnys-Damen, Theol. Moralis, 1958, 1:86. II. Who is really following "the safer course"? 3. Etenim non accipit tutiorem partem comparative ad aliam, quae etiam tuta est, sed adversative ad aliam quae not est tuta: quia non adstringimur partem tutiorem sequi, quando altera est tuta." 11 • The principles I have set forth above are "safe," because they are employed in the Church's canon law and the works of her moral theologians. • I have amply demonstrated above that the accusations about Abp. Thuc, etc. which form the basis for denying communion to my parishioners, however, have no objective basis in Catholic canon law and moral theology. • Such principles cannot be a "safer" course, or even a "safe" one, because they do not come from the authority of the Church, but rather contradict it. • The truly "unsafe course" is that of SSPV: Invent your own rules, and refuse Catholics sacraments on the basis of them. III. Conclusion: Therefore: SSPV may not refuse communion to my parishioners on the grounds that they are following "the safer course." They are not. Father is Following His Conscience? OBJECTION: My parishioners are "forbidden by law" to receive communion on the grounds that SSPV's priests are "following their consciences." I. What conscience is: • Moral theology: "Judgement or dictate of the practical intellect deciding from general principles the goodness or evil of some act which is to be done here and now or has been done in the past." Theologian Prümmer, Moral Theology, 135. II. Standard by which it judges: • Moral theology: "Conscience derives its judgement from general principles… Conscience does not pass judgement on the truths of faith and reason but decides whether the act to be done (or which has been done) is in conformity with existing just law." Ibid. III. The priest must conform his practical decisions with "existing just law" of the Church. IV. The "existing just law" of the Church prescribes: • Church Law: "Every baptized person not forbidden by law may and must be admitted to Holy Communion." Canon 853. V. SSPV cannot point to any church law under which my parishioners are "forbidden" to receive Communion. VI. Conclusion. • Therefore, SSPV members must conform their consciences to the "existing just law" and admit my parishioners to Communion. Invalid Bishops? OBJECTION: My parishioners are "forbidden by law" to receive communion because the episcopal consecrations Abp. Thuc performed in 1981 were "doubtful" or "invalid." 12 The central issue here is the validity of the two episcopal consecrations Abp. P.M. Ngô-dinh-Thuc conferred in 1981: • Bishop M.L. Guérard des Lauriers OP, 7 May 1981 (from whom Bp. Sanborn derives his consecration). • Bishop Moises Carmona Rivera, 17 October 1981 (from whom Bp. Dolan derives his consecration). In 1983, when I was a member of SSPX, I wrote a lengthy article criticizing Abp. Thuc, his involvements, etc. I did not, however, address the issue of validity of the consecrations he performed: "Further research would be needed to ascertain what theologians and canonists consider sufficient evidence for validity in such a case." Roman

Catholic 5, (Jan. 1983), 8. We began to investigate this issue in SSPV as a result of Fr. Donald Sanborn's visit to Brazil, April 1985. The issue was the validity of Bps. Guérard and Carmona's consecrations. Two priests were chosen to research the question: Fr. Sanborn, who favored the validity of the consecrations and favored involvement, and I, who believed the consecrations were doubtful and opposed involvement. The key issues we set out to research in 1985 were: (1) No certificates: None appeared to have been issued. What to do? This was my and Fr. Kelly's major objection. (2) Were "qualified witnesses" then required? Fr. Kelly maintained one would need "evidence of use of correct matter and form," otherwise an episcopal consecration would have to be regarded as "doubtful." (3) Were there other special rules for attesting to the fact of an episcopal consecration? Anything apart from the usual norms for ascertaining that a sacrament took place? (4) Abp. Thuc's "Sacramental Intention"? What assumptions did theologians, canonists, etc. require us to make? My conclusions in 1988, based on the research I had done, were the following: (1) Certificate: It is not required to assume a given rite took place and was valid. All traditionalist certificates are canonically "unofficial" anyway, because we aren't canonical pastors. (2) Qualified Witnesses. Nothing in canon law requires "qualified witnesses," positive evidence of use of matter and form. The term "qualified witness," in fact, has a special technical meaning in canon law referring to giving evidence in a ecclesiastical trial, and has nothing to do with ascertaining the validity of a sacrament. (3) Special Rules. There are none for ascertaining the fact of an epsicopal consecration. (4) Abp. Thuc's "Sacramental Intention"? No justification for attacking it exists under any accepted principle of canon law and moral theology. I concluded that we are obliged to regard the consecrations as valid, and subsequently: (1) Wrote an article (1991) presenting my research and conclusions (available at www.traditionalmass.org) (2) Discovered the certificate Abp. Thuc issued for Bp. Carmona's consecration. 13 In connection with the latter (also on the website) the following should be noted: Fr. Kelly used the absence of a certificate as the principal objection to impugn the validity of the Thuc consecrations. When I finally was able to find one in 1993, Fr. Kelly ignored it, and then shifted his principal objection to the consecration by attacking Abp. Thuc's "mental state." 1. Standard Procedure for Verifying Reception of a Sacrament: A. What a priest will ascertain: (1) Fact that a ceremony occurred, via (a) certificate (the usual way) or (b) other reliable proof (a photo would do). (2) Minister who performed rite. Was he a validly ordained Catholic priest? You ask the recipient or parents. (3) Rite used. Was it the traditional or post-Vatican II rite? You ask the recipient or parents. B. What the priest concludes: Once a traditional Catholic priest ascertains in a given case (someone claiming a child was baptized, say) that a ceremony occurred, that another validly ordained Catholic priest performed it, and that the priest used a traditional rite, he treats it as valid with no further questions. This is standard sacramental practice. 2. Application to the 1981 Thuc Consecrations: A. What You Can Ascertain: (1) Fact that the ceremonies occurred. Established by: a. Consecration certificate for Bp. Carmona, written by Thuc: i. By hand. ii. In Latin. iii. Dated October 18, 1981. iv. Signed by eyewitnesses. b. Published photos of both Guérard's and Carmona's consecrations. c. Numerous articles, and a Vatican "excommunication." (2) Minister who performed rite: Abp. Thuc, a validlyconsecrated Catholic bishop. (3) Rite Used: Rite of Episcopal Consecration, 1908 Roman Pontifical. Established by: a. Captions published with photos of ceremony stating that Abp. Thuc performed the consecrations according to The Roman Pontifical (1908 edition).4 b. An interview conducted under oath, with Dr. Kurt Hiller, who was present at both consecrations and who held the ritual book (The Roman Pontifical) for Abp. Thuc as he performed the rite of consecration.5 c. A sworn affidavit of Dr. Eberhard Heller, who was also present at both consecrations, attesting that Bps. Guérard, Carmona and Zamora were consecrated bishops by Abp. Thuc 4. Einsicht 11

(March 1982), 14. For original text, see fn. in article on Website. 5. Clarence Kelly, et al., Interview with Dr. Kurt Hiller, Munich, February 1988, passim. 14 and that "The consecrations followed The Roman Pontifical (Rome: 1908)."6 d. Published interview with Bp. Guérard. Attests that Abp. Thuc consecrated him on 7 May 1981, that "the consecration was valid," that "the traditional rite was followed integrally (except for the reading of a Roman mandate)," and that "Abp. Thuc and I had the intention to do what the Church does."7 e. Interview with Bp. Guérard again affirming that he had been consecrated on 7 May 1981, and that the rite was followed integrally.8 B. What you must conclude: Because (1) The ceremony of episcopal consecration occurred on two occasions, (2) a validly-consecrated bishop performed it each time, and (3) he used the traditional Rite of Episcopal Consecration each time. Therefore, both consecrations must be regarded as valid. 3. Thereafter, validity must be presumed and invalidity must be proven. A. Generally in Canon Law: This is "the queen of presumptions, which holds the act or contract as valid, until invalidity is proved." Canonist Wanenmaker, Canonical Evidence in Marriage Cases, (1935),408. B. For Ordinations: "…an act, especially one as solemn as an ordination, must be regarded as valid, as long as invalidity would not be clearly demonstrated." Canonist Cardinal Gasparri, (also compiler of the Code of Canon Law), Tractatus de Sacra Ordinatione (1893), 1:970.9 C. Correct Intention Presumed: "This principle is affirmed as certain theological doctrine, taught by the Church, to deny which would be theologically rash… The minster is presumed to intend what the rite means." Theologian Leeming, Principles of Sacramental Theology, (1956) 482. 4. Defects which would invalidate an episcopal consecration: 6. Eberhard Heller, "Eidesstattliche Erklärung zu den Bischofsweihen von I.E. Mgr. M.L. Guérard des Lauriers, Mgr. Moises Carmona und Mgr. Adolfo Zamora," Einsicht 21 (July 1991), 47. "Um noch bestehende Zweifel an den von S.E. Mgr. Pierre Martin Ngo-dinh-Thuc gespendeten Bischofsweihen. die z.B. von bestimmten Personen und Gruppen in den U.S.A. geäußert werden, und weil seine Excellenz inzwischen verstorben ist, er sich also dazu selbst nicht mehr äußern kann, erkläre ich an Eides statt, da ich den betreffenden Konsekrationen durch Mgr. Ngo-dinh-Thuc persönlich beiwohnte: Ich bezeuge, daß S.E. Mgr. M.L. Guérard des Lauriers O.P. am 7.Mai 1981, I.E. Mgr. Moises Carmona und Mgr. Adolfo Zamora am 17 Oktober 1981 in Toulon/ Frankreich von S.E. Mgr. Pierre Martin Ngo-dinh-Thuc zu Bischöfen der hl. katholischen Kirche geweiht wurden. Die Konsekrationen erfolgten nach dem 'Pontificale Romanum' (Rom 1908). Mgr. Ngo-dinh-Thuc spendete die Weihen im Vollbesitz seiner geistigen Kräfte und in der Absicht, der Kirche aus ihrer Notsituation herauszuhelfen, die er in seiner 'Declaratio' über die Sedisvakanz vom 25. Februar 1982 präzisierte. München, den 10. Juli 1991. E. Heller." 7. Sodalitium 4 (May 1987), 24. His emphasis. See article on web for text. 8. Joseph F. Collins, Notes of Interview with Guérard, La Charité (France), August 1987. 9. "…tum quia actus, praesertim adeo solemnis qualis est ordinatio, habendus est ut validus, donec invaliditas non evincatur." 15 A. Matter: Consecrating bishop does not impose hands. B. Form: Consecrating bishop does not pronounce essential 16- word formula. C. Intention Withheld: Consecrating bishop internally withholds intention to make a bishop or "to do what the Church does" in performing the rite. D. Intention Absent: Consecrating bishop is not performing a human act because he lacks: (1) Even merely external attention: He does not know that he is performing a sacramental act (an episcopal consecration). (No act of intellect.) (2) Even virtual intention: His external action of performing a sacramental act (an episcopal consecration) has not been produced by any direct act of his will. (No act of will.) • Example of no external attention or virtual intention: Performing a sacramental action while sleepwalking. No attention from intellect, no intention from will. No sacrament because not a human act. • Virtual intention is the minimum "level" of intention required and sufficient for validity. It guarantees that a sacrament is valid, even if the

priest or bishop is internally distracted before and during the entire sacramental rite. • Explanation: “The common doctrine is this: Virtual intention is necessary and sufficient in the minister to confect the sacraments… Virtual intention, as we have already seen, is an actual intention itself which is operating along with distraction. Such an intention is certainly present in someone who regularly performs sacramental actions— for example, a priest who goes early to the church, puts on vestments, goes to the altar, celebrates Mass, and consecrates a host or hosts presented to him at it, even though he does not think about the intention of consecrating.” Canonist Coronata, De Sacramentis: Tractatus Canonicus 1943, 1:56.10 This minimum, obviously, is not very hard to meet. 5. For the Thuc consecrations, there is no evidence of a defect in matter, form, or intention to “do what the Church does.” 6. “Mental State” Slander: A. Photos of Ceremonies: Look at the photos of the consecrations published in Einsicht. Does Abp. Thuc look like a dazed robot or a sleepwalker, who doesn’t know where he is or what he’s doing — the “mental state” one would have to prove he was in at the time of the consecrations if one claims they were doubtful or invalid? Fr. Bruno Schaeffer’s Ordination: Is this also an automaton? 10. “Unde doctrina communis est ad sacramenta conficienda in ministro eam requiri et sufficere intentione quam virtualem diximus; … Virtualis enim intentio, ut iam vidimus, est intentio ipsa actualis quae cum distractione operatur. Talis intentio certe habetur in eo qui de more ponit actiones sacramentales., e.g. sacerdos qui mane adit Ecclesiam, paramenta sumit, ad altare progreditur, Missam celebrat et in ea consecrat hostiam aut hostias praesentatas, etsi nihil de intentione consecrandi cogitat.” 16 Abp. Thuc also gave a public conference in Mexico under the auspices of Trento the following year. Was this also an automaton, who didn’t know where he was, or what he was doing? B. Certificate of Consecration for Bp. Carmona. Look at the handwriting on the certificate reproduced in Chapter 1 of this book. It is firm and clear, and the document is in Latin. We, Peter Martin Ngô-dinh-Thuc, Titular Archbishop of Bulla Regia, give notice of the following to all: on the 17th day of the month of October, in the year 1981, we conferred the episcopal rank of the Catholic Church on Father Moises Carmona Rivera, with all rights pertaining to said rank. Given on the 18th day of the month of October, in the year of Our Lord 1981. [signature] +Peter Martin Ngô-dinh-Thuc The eyewitnesses were: Doctor Kurt Hiller and Doctor Eberhard Heller. [signature] Dr. Kurt Hiller [signature] Dr. E. Heller. Is this writing in Latin also the work of some confused sleepwalker in a miter, who the day before couldn’t manage the tiny bit of awareness and intention that theologians say is “necessary and sufficient” to confer a valid sacrament? C. Other Documents Handwritten in Latin: A few months after the consecration, one thanking Bp. Carmona for his New Year’s greetings, and the following year, a document proclaiming vacancy of the Holy See. See Einsicht. Again, the documents are in Latin, and the Archbishop’s handwriting is firm and clear. Is this the work of a sleepwalker or an automaton? Cranking out documents in Latin? D. Conclusion: Anyone capable of all this possessed the requisite “mental state” to confer a valid sacrament. A priest who says otherwise is either ignorant of the principles of sacramental theology or dishonest — because he knows better, but refuses to abandon a foolish position. 6. Summary and Conclusion: A. Standard procedure a priest uses to verify reception of sacrament: (1) He ascertains: (a) Fact that ceremony occurred (by certificate, or other proof). (b) The minister who performed rite — whether he was a validly ordained Catholic priest. (c) The rite used — was it the traditional rite? (2) The priest then treats it as valid. There are no further questions. B. For the Thuc consecrations: (1) We can easily ascertain: (a) Fact the ceremonies occurred: Certificate handwritten by Abp. Thuc, photos, articles. (b) A real bishop. (c) Rite used: Traditional rite of episcopal consecration. (Affidavits, etc.) (2) Conclusion: The consecrations were valid. C. Thereafter validity must be presumed, invalidity must be proven, based on what canonists teach

regarding: (1) General principles, (The “queen of presumptions”). (2) Ordinations. (3) Correct intention. 17 D. Defects that invalidate sacraments: (1) Matter. (2) Form. (3) Withholding intention. (4) Intention absent — you have no idea what you’re doing, and make no act of will. E. For Thuc Consecrations: No evidence of defect of matter, form, or intention to do what Church does. F. “Mental State” slander — Abp. Thuc unable to form sacramental intention — is refuted by: (1) Photos. (2) Handwritten documents after consecration. (3) Especially the consecration certificate he wrote out in Latin the day after Bp. Carmona’s consecration. G. Such attacks were dishonest all along. And here we pass briefly from church law to a personal anecdote. In my 1991 article, I recalled how at a September 1988 SSPV priests’ meeting Fr. Sanborn had presented us with a report on the theological principles to be applied to the Thuc consecrations, and how I privately told Fr. Kelly later in the day that the report (especially a pronouncement from Pope Leo XIII) seemed to demolish all my objections and Fr. Kelly’s as well. Fr. Kelly replied: “We can’t say the consecrations [of the Thuc bishops] are valid — or some of our priests will want to get involved with them.” This moment was one of those little revelations. It convinced me that no matter what principles we would discover from church law, canonists, moralists, theologians and popes, Fr. Kelly would ignore it all and stick to some other agenda. Fr. Kelly’s objections, in other words, would always be intellectually dishonest — not even Leo XIII can move you from what you’ve already decided? Keep this in mind when Fr. Kelly’s and SSPV’s policies divide your family or break up your engagement. H. Only possible conclusion: Like it or not, the principles of canon law and sacramental theology oblige you to regard Abp. Thuc’s consecrations of Bps. Guérard and Carmona as valid, and to regard those who trace their apostolic succession to them as true bishops. Final Objection: I Don’t Feel Right OBJECTION: I “don’t feel right” about what you’ve said, this is all very complicated, I can’t figure all this out, and I trust SSPV — so if their priests think your parishioners are “forbidden by law” to receive Communion, that’s fine with me. REPLY FOR THE SSPV LAITY: You don’t “feel right” because for over ten years SSPV has been feeding you Thuc/CMRI horror stories and bogus principles masquerading as canon law and moral theology. I have systematically exposed these principles as false, offered you photocopies of the correct principles as they appear in canon law books, and put it all together for you. My argument is based on church law — not emotion, phony guilt by association tactics and stubborn intellectual dishonesty. 18 SSPV, by refusing Communion to my parishioners, violates not only canon law, but also the law of God, which gives Catholics — your friends and relatives — the right to receive the Eucharist. And this — not twenty-year-old horror stories about people you and I have never met — is the real evil you should worry about. Appendix: Consecration Certificate Handwritten certificate issued by Abp. Thuc for Bp. Carmona’s consecration: We, Peter Martin Ngô-dinh-Thuc, Titular Archbishop of Bulla Regia, give notice of the following to all: on the 17th day of the month of October, in the year 1981, we conferred the episcopal rank of the Catholic Church on Father Moises Carmona Rivera, with all rights pertaining to said rank. Given on the 18th day of the month of October, in the year of Our Lord 1981. [signature] +Peter Martin Ngô-dinh-Thuc The eyewitnesses were: Doctor Kurt Hiller and Doctor Eberhard Heller. [signature] Dr. Kurt Hiller [signature] Dr. E. Heller. Photocopy reproduced at: www.traditionalmass.org Comment As noted in the foregoing article, the principal objection Fr. Kelly offered against recognizing the validity of Abp. Thuc’s consecrations was a supposed lack of “documentary proof” by means of a certificate of consecration. Absent this, he assured us, one would be required to have “qualified witnesses” to attest that “matter and form were correctly applied.” The latter objection, we would later learn, was pure mumbo-jumbo. The term “qualified witness” had a special technical meaning in canon law referring to certain classes of church officials giving evidence in a ecclesiastical trial, and had nothing to do with ascertaining the validity of a

sacrament. The principal quote Fr. Kelly used to support his assertion (Jone, Moral Theology. 472), moreover, turned out be a mere recommendation that, in cases where emergency baptism was administered by a layman (a schismatic, heretic, Jew, pagan, midwife, catechist), someone be present to attest that the layman performed the baptism correctly. This was confirmed by consulting the passage in the longer Latin work by Jone (Commentarium in C.J.C, 1954, 2:24) that was the source for the short English résumé on which Fr. Kelly was content to rely. In any event, once the accompanying consecration certificate came to light — the "documentary proof" without which Fr. Kelly had earlier maintained one could not recognize the consecrations — he ignored it. Other SSPV members pooh-poohed its importance. ("A proof, perhaps, but not the proof," etc.) But after Fr. Kelly's 1988 comment to me — "We can't say that the consecrations are valid" — this intellectually dishonest response was not a complete surprise. [Pamphlet, October 2002] www.traditionalmass.org
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